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BONDED LABOUR IN INDIA

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an Intro. by Dr. M. K. Pandhe.*

INDIA BOOK EXCHANGE : CALCUTTA-33

First Published : 1976

Published by Roma Basu Majumdar (Mrs) on behalf of India Book Exchange, 38 Russa Road East 1st Lane, Calcutta—700033, India and Printed by D. Dutta, Arunima Printing Works, 81 Simla Street, Calcutta—700006, India.

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INTRODUCTION

When the urban life in India is witnessing growth of large scale industries, feudal mode of production still dominates the countryside. In some parts of the country even the primitive types of social organisations are prevalent, though they are gradually on the wane. Consequently, we find in India various stages of social development simultaneously operating in different parts of the country, despite dominance of capitalist mode of production.

Prof. D. D. Kosambi in his book 'The Culture and civilisation of Ancient India in Historical Outline' observes,

"At every stage, in almost every part of the country, a great deal of the superstructure survived, along with the productive and formal mechanism of several previous stages, there always remained some people who could and did cling stubbornly to the older mode". (Page 23)

Bonded labour is one of such forms of exploitation which has survived till to-day. Moneylenders who invariably happen to be landlords use the institution of debt-bondage to extract work from the bonded labourers who under the yoke of debt-burden are forced to live in the semi-slave conditions. The rural lords have been able to maintain the institution by resorting to usury, the rates of interest being higher than 100 per cent per annum.

Most of the bonded labourers happen to be Untouchables whose forefathers were Sudras in older days. Their status in Indian villages continues to be not much different than the earlier days because they happen to be the poorest social strata. With increasing pauperisation and misery their ability to earn an independent living has declined considerably. They are unable to sell their labour power since it is already mortgaged for the debts incurred by them or their ancestors.

That this system should have been allowed to continue for such a long time even after independence is a matter of serious concern to every Indian.

The papers being published in this volume form part of the material presented in a Seminar on 'Cultural Action for Social Change' organised by the National Labour Institute in New Delhi on 22nd and 23rd November, 1974.

Though the names of the contributors are not available, the papers have helped a great deal in focussing the attention of the people to the servitude existing in rural India. Since the material presented is based on the actual surveys conducted through official agencies and presented in a Seminar organised by the Institute under the Union Ministry of Labour its authenticity cannot be doubted.

One may differ with some of the conclusions drawn in these papers or formulations made here and there while presenting the problem. Yet the data contains valuable information on various aspects of exploitation of the bonded labourers. In these papers we find specimen of research work conducted with social purpose. Here the emphasis is on an attempt to go to the root cause of the social ills in a forthright manner, though within a certain limited framework.

These papers will serve as a useful background material for further research on the same subject as well as on similar other problems faced by our rural poor. It will also help the trade union and the peasant movements in the country to pay more attention to this most neglected strata of our society whose active participation in the process of social transformation in the country is of extreme importance.

The first Chapter explains in general the problem as such and gives details of the system prevalent in Jaunsar-Bawar area in Dehra Dun district and Fateh-Parvat area of the Purola block of Uttarkashi District in Uttar Pradesh. Koltas, belonging to an Untouchable caste, are generally the victims of the

system in the region. The terms of agreement for giving loan to Kolta generally are oral and follow the pattern given below :

- (1) He will work for the creditor in lieu of interest ;
- (2) If he is unable to repay, his son will work till the loan is repayed ; and
- (3) If he leaves the village his belongings would be auctioned.

As a result of this, the loans continue generation after generation and debt bondage along with its concomitants is maintained unhindered.

The working and living conditions of the Kolta are described in the paper thus :

“Once the Kolta becomes bonded he works for the creditor the whole day. He works in the field, looks after the cattle, brings fodder for them and does all sorts of jobs for the landlord. The landlord provides him two meals a day *Sattu* and *roti* in the morning and *Roti and Dal* in the evening. Food is provided only when he works. If a bonded Kolta becomes ill he will not be provided food.

“The bonded Kolta is provided a piece of land to build a house. He is also given some land by the landlord. The land is just enough to sustain his family. Generally *Banjar* land is given to Koltas. The whole family of the bonded labourer, after putting tremendous labour, makes the field agriculture worthy. The bonded Kolta can be evicted from this land because he is only a tenant. In many cases, it was found that when the Kolta had made the field worthwhile he was evicted by the landlord and again given a *Banjar* field. This hopeless situation of the bonded labourer makes him borrow in cash or kind and the debt keeps piling up”.

The woes of bonded labourers do not end there. They are victims of atrocities and indignities at the hands of Caste Hindus. There are cases of rapes of womenfolk of bonded

labourers by Caste Hindus who go unpunished in most of the cases. Physical punishment is also a common occurrence in areas where the system is operating.

There is thus some sort of a "built in mechanism" in the system which perpetuates it, whatever may be the legal framework provided by the law makers.

The study "Socio-Religious Practices in a Polyandrous and Backward Area" though directly does not deal with the system of bonded labour it throws light on the present rural scene in which exploitation of the bonded labour is thriving. The Socio-religious practices dominating in the rural life gives an upper hand to the Caste Hindus while the Untouchables continue to comply with their dictates.

The paper "Exploitation in a Fateh Parvat Village" is an attempt to portray the stagnant character of the rural society where the burden of backwardness is falling mostly on the downtrodden sections.

"The behaviour pattern of the Harijans in Naitwar showed how years of oppression had left their mark on their attitudes towards life. One Bajgi compared his lot to that of an animal without any puzzlement as to why it should be so. In fact the apathy, listlessness, the fear in the minds of the Harijans were quite overwhelming."

This highlights the need for organising and educating them so that collective efforts can be made to end their exploitation and achieve basic improvement in the working and living conditions of these bonded labourers.

"From The Green Hills of Purola to The Brothels of Delhi and Meerut" has placed before the people irrefutable facts regarding immoral trafficking in women from the Purola Block of Uttarkashi district in U.P. The study deals exhaustively at the root cause of the problem of prostitution which arises from the acute poverty of the families in the villages. The near-destitution of these people compels them to sell their wives to-

brothels quite often to repay the dept incurred in the past. The upper strata in the village has developed a vested interest in the system.

The study gives first hand information about the working conditions in brothels in Delhi and Meerut where these women are generally sent. It has further given case studies of 5 former prostitutes which highlight the close link between the general social problem with the problem of prostitution. Much has been said on this problem by several writers in the past and lip sympathy is also not wanting. However, very little has been done to solve the problem of these unfortunate women. So long the present social system continues the prostitution is bound to remain in this or the other form. It has due to this that the author has correctly criticised "the fallacy of accusing Harijans, who send their women into trafficking, of lacking self-respect."

The solution to the problem is given in the paper in the form of a statement by one of the former prostitutes,

"Buy freedom for our men, give them land and only land. It is this land, these green fields, which will contain these girls. Nothing else can."

"From cradle into Father-in-Law's House" is a study on the evil effects of the system of child marriages in the rural areas where bride is even now given at a price despite legal provisions against it. The factual material based on a survey conducted recently is not only shocking but highlights the utter callousness shown towards women who are still living in most pathetic conditions. The study further underlines the hollowness of claims made about the social progress in the countryside.

The study notes that infant betrothal and pre-puberty marriages are common feature of several villages in Uttar Pradesh.

It is written during the seventies of the present century

though it appears to have been observed a couple of centuries ago.

The deep rooted vested interests in the rural areas are responsible for perpetuating the system who are totally unconcerned about the laws of the land. The case study of Mahima Nand of Bhatwadi pinpoints the manner in which the anti-social elements run amock in the villages trampling under-foot womanhood in a non-chalant manner and how such elements strike terror in the hearts of the village poor. Absence of any social organisation which can effectively check their activities enables them to treat the village population with contempt. The authorities are either powerless or behave like a silent spectator.

The existence of polygamy and polyandry are noted in the study which clearly show the backward nature of rural structure despite elapsing of over a quarter century of independence. Though the study deals with the problem of child marriages it has its bearing on the system of bonded labour because many people have to become bonded labourers to pay the price of the "bride" or to "liberate" a bonded labour from clutches of the moneylender the family has to sell a "bride" !

As in Uttar Pradesh, the study of bonded labour in Bhanderia Block in South Bihar also makes shocking disclosures of the operation of the system. It clearly brings out the enormous power the moneylender enjoys in the villages.

The *modus operandi* of the money lenders elaborated in the paper is only a statement of facts and spotlights the total dependence of the poor peasants on them for credit facilities. The lending systems are just methods of squeezing out the villagers in financial stringency. The loan from moneylender is a trap to involve the village pauper in his tentacles and make him the bonded labourer. The rate of interest is simply fantastic and amounts to callous exploitations. The eleven case histories by themselves explain the harrowing conditions in which the

bonded labourers are subjected to-day. It also underlines the conniving role played by the village officials who are supposed to stop these malpractices. Their role is greatly responsible for the "flourishing" of the moneylenders business.

Though the papers have depicted the bonded labour system in U.P., Rajasthan and Bihar States its essential features are seen in other States also despite some local variations due to historical reasons.

Following the I.L.O. Convention of 1930 on forced labour the then British Government decided to "take steps to abolish at the earliest possible opportunity forced or compulsory labour for the benefit of private individuals, companies or associates". The "opportunity" however never came during the British regime and the exploitation of the rural labour went on endlessly. The situation did not show much improvement even after independence.

The extracts from various Reports of the Commissioner of Scheduled Castes and Scheduled Tribes during the last two decades vividly explain how the exploitation of bonded labourers continued unabated during the entire period. They also show how the system continued to be in operation despite its denial by the State Governments. Various measures taken from time to time in the name of improving the lot of bonded labour proved to be only symbolic with the result that the conditions of these toiling men continued to worsen as the days passed by.

The First Report for the year 1951 which gives a background of the steps taken by the Government of India states, "inspite of vigorous efforts of the Governments forced labour is still in existence and it is mostly the Scheduled Castes and Scheduled Tribe people who are suffering on account of this unlawful practice". More than 20 years later during 1971-72 and 1972-73 the Report notes, "the system of bonded labour or forced labour in some form or other is still in existence in some States and Union Territories. Although some States

and Union Territories have denied its existence, there is every reason to believe that the evil practice is still prevalent. Few State Governments who had denied the existence of the system earlier confirmed the prevalence of the system when questions were raised in Parliament. In a few cases, when some studies highlighted the prevalence of such a system in a specific area, the State Governments confirmed the same”.

Even cursory reading of these extracts from the Reports can give valuable material to those who are keenly interested in abolition of the system.

The promulgation of Ordinance¹ by the President of India following inclusion of “Abolition of Bonded Labour” as one of the items of the Twenty point programme of the Prime Minister Smt. Indira Gandhi, created feeling in some quarters that the Bonded labourers would be free soon. The Ordinance declares all types of bonded labour as illegal and indebtedness of bonded labourer has been legally nullified. Punishment has been provided for continuation of bonded labour system and machinery has been provided to supervise implementation at the provisions of the Ordinance.

It would be highly inappropriate to think that mere introduction of a legal enactment would automatically lead to abolition of this barbarous system. As a matter of fact, bonded labour even before passing of this Ordinance was prohibited under the Constitution of India but the evil system continued to be in operation in different forms in not less than 15 States.

The Prime Minister in her address on 12 December, 1975 to the participants of the basic T. U. Course for women leaders organised by the Central Institute of Workers Education (INTUC) admitted, “sometimes it is argued that laws should be passed to safeguard the interests of labour, but our experience is that it is not enough since the laws that have already passed have not been implemented as they should be.”

The exploitation of the bonded labour cannot be considered in isolation from the general exploitation in the countryside. The National Labour Institute Bulletin has already noted in this connection, "It is the animal poverty of the rural proletariat that renders him vulnerable to the exploitative proclivities of the usurer. This poverty again is the inevitable out-come of exploitation in-built in a system that rewards ownership rather than work". (Vol, 1 No. 11, p. 30)

With growing unemployment in the rural sector the "freed" bonded labour will be left without any alternative employment and many would prefer to have two frugal meals a day than to remain unemployed. The responsibilities entrusted with the District Magistrates and the specified Officers "to promote the welfare of freed bonded labourers by securing and protecting their economic interests" may remain as mere responsibilities without much consolation to the bonded labourers. Though the debts are legally cancelled the labourers will have to depend on the same moneylenders for loans during their difficulties. The fate of Tenancy reform is still fresh in our minds. There is no reason why it should not happen otherwise in case of bonded labourers.

Perhaps the most sorrowful aspect of the development is that the bonded labourers, who are supposed to be benefitted, are among the most unorganised strata of our rural society. The lack of consciousness among them about their rights, which is partly arising out of the failure of the working class movement in India, is also one of the causes that may hinder process of abolition of the system. Unless bonded labourers are organised and sufficient mass pressure is build up the system may continue to operate in different forms keeping its evil features in tact. The National Labour Institute Bulletin while concluding the comments on the Ordinance has already emphasised this aspect. "The recent Presidential Ordinance has come not a day too soon. It will however have real teeth only when the agricultural workers are made conscious of their

rights and privileges and are able to press their claims in an organised manner".

Therefore, it is not the Ordinance or the law itself that would lead to the abolition of this pernicious system. It is the actual movement of the bonded labourers against the totality of the rural exploitation and for achieving right to work that would ultimately put an end to this system.

A programme of distribution of entire surplus land to the bonded labourers will also help in giving them a source of livelihood. It would also be necessary to give them necessary financial assistance so that they do not fall prey to the depredations of the moneylenders.

Mention must be made of the untiring efforts made by Shri Arun Kumar Ghosh of Centre of Studies in Social Sciences, Calcutta for preparing a Select Bibliography for benefit of those who desire to study the problem in further depth. Dr. Mahadev Saha was kind enough to find time to prepare Glossary and Notes despite his pressing preoccupations. Shri Arun Prokash Chatterjee had to do the painful job of correcting the proofs but he undertook it with his usual enthusiasm.

There are many others whose names have not been mentioned here but without whose co-operation this venture would not have been possible. They are more interested in the subject-matter than mere publicity.

The Indian School of Social Science, Calcutta gladly undertook the responsibility of sponsoring this project for publication. The contents of the book were brought out by the Institute in a mimeograph which received enthusiastic support. Its efforts to focus the attention of the readers on this burning problem are praiseworthy.

M. K. Pandhe

22nd December, 1975
Calcutta

CHAPTER ONE

BONDED LABOUR IN INDIA

I

Definition

Bonded Labour, can be defined as social agreement between a debtor and a creditor under which the debtor agrees to render labour or personal services to the creditor without remuneration in lieu of the satisfaction of the debt or part of debt or interest on principal amount for a specific period or till the debt is satisfied or repaid.

Bond Labour is social agreement because this has recognition of the society or social structure and not by legal one. In case of dispute about the terms of this agreement these can not be enforced by law.

Origin of the Problem in General

Bonded Labour is not new for our country. Its origin can be traced from the caste hierarchy and feudal structure. In the Hindu caste structure, out of four main castes or 'Varnas' (Brahmin, Kshatriya, Vaishya and Shudra) the 'Shudras' were always treated as lowest and were subject to the atrocities by the higher castes. All the heinous jobs were done by them and the slaves belonged to this category. They were hated and discarded by the higher caste persons. This is evident from the comparison by Tulsidas of shudras with drum, idiot and animals and according to him they deserve harsh treatment.

Besides caste hierarchy, in the feudal society the kings and big landlords used to keep servants for their services who belonged to this lower caste of society.

Now, though the strict observance of the caste hierarchy has vanished and feudal structure has also more or less come to an

end after derecognition of the Princes, the problem of Bonded Labour still prevails in some parts of our country. Before touching the problem of bonded labour in Jaunsar-Bawar region of Uttar Pradesh it would be desirable to study this problem in general.

In a Bonded Labour agreement two parties are involved—one is creditor and second is debtor. The terms of agreement is rendering personal service. The debtor would normally not agree to render service if he has money with him to pay. So a person who is economically backward would agree to take such loan on this condition. Thus the problem of Bonded Labour is outcome of economic backwardness causing the problem of indebtedness.

The causes of economic backwardness and indebtedness can be found in caste hierarchy. According to caste hierarchy the Brahmins could teach and study, the Kshatriyas used to fight and Vaishyas were meant for business. These castes or categories of castes could lead their lives by their individual business. The only category left out was of 'Shudras' who could either serve or attend to the heinous jobs. They could not lead their life independent of the caste hierarchy and whenever they needed monetary help they had to take shelter with the people of higher castes.

Besides caste hierarchy and economic-backwardness, psychologically, also the people of lower caste were brain-washed through religious propaganda. They were infused with the idea that if they don't pay money they would be accountable to the Almighty after death. These things helped the higher caste persons to hold the poor in their clutches and problem of bonded labour remained live.

Problem of Bonded Labour in Jaunsar-Bawar

After independence though bonded labour has been declared illegal by the Constitution, it still is normal phenomenon in Jaunsar-Bawar area of Dehradun district and other hilly areas of Uttar Pradesh.

Conditions of Bonded Labour Agreement

According to the agreement between a debtor and a creditor the former has to work in the fields of the creditor for the whole day. He has to do all agricultural work like ploughing the field, sowing and harvesting the crops, transporting agricultural products on his back from fields, cattle rearing etc. He also works as messenger for his master to convey messages to the villages of his master's relatives. In the villages like Lakhamandal the bonded labour also does the job of tailor and barber. In return the master gives meals to the bonded labour two times a day. This labour and service is rendered in lieu of the interest of loan paid to this debtor.

Causes of Bonded Labour

The main causes of prevalence of the problem of bonded labour are as follows :

(1) *Caste structure :*

To know the causes of bonded labour first we have to identify the group of people who are victims of this problem and for this purpose we have to see the caste structure in this area. Broadly this area can be classified under three categories :

1. Higher castes—Brahmins and Rajputs.
2. Middle castes—Badai, Lohra, Naths Sunars, Jagdi and Bajgis.
3. Lower castes—Koltas-Doms, Chamars and Mochi.

During our studies of the village in the Chakrata Block, we found that out of 17 bonded labour families we interviewed, 16 families belonging to Koltas and one to Bajgi. This shows that about 95% of the bonded labour families belong to Koltas and are bonded with Brahmins and Rajputs. Out of these 17 families 11 are bonded with Rajputs and 6 with Brahmins.

(2) *Indebtedness*

Indebtedness is the mother of the problem of bonded labour, which rises due to economic inequality. This economic

inequality has its roots from long. Before U.P. Zamindari Abolition Act, the old revenue system was prevalent in this area according to which the whole area was divided into 37 *khats* (a revenue compartment) under the charge of Sardar Sayana and the villages under Sayanas. These Sayanas and Sardar Sayanas were responsible for collection of land revenue of the area and they used to deposit in the Government treasury. Since these people had revenue powers, they enjoyed prominent role in the villages. They dominated other people and since the Sayanas and Sardar Sayanas belonged to Rajputs and Brahmins they could manage to distribute land among themselves and the higher caste fellows and the lower castes were kept landless.

The following tables show the distribution of land holding among different castes :

With Rajputs, Brahmins, Koltas, Bajgi

Name of village	Total Land Acre	No. of fami-lies	Land	No. of fami-lies	Land	No. of fami-lies	Land	No. of fami-lies	Land
Jogio	236.10	15	142.68	3	26.48	24	47.46	5	19.48
Dabla	150.74	10	108.53	—	—	16	32.67	4	9.54
Lakha-Mandal	115.31	2	4.00	18	92.67	17	18.64	1	—

On analysis of above position of distribution of land holding, we found that Rajput family, possesses an average land of 9.45 acre, Brahmin family possesses 5.67 acre, Kolta 1.73 acre and Bajgi 2.90 acres of land.

Since the lower caste persons do not have enough land to cultivate and lead their easy lives they have to depend upon other jobs like tailoring, shoemaking which are also not enough. They need money for fulfilment of social obligations besides satisfaction of their physiological needs and for this purpose they become indebted to the higher caste persons. The problem of indebtedness exists in most of the families of Koltas

in village Jogia and the condition of indebtedness is as follows :

<i>Amount of Debt</i>		<i>No. of Families</i>
Between Rs.	1 to 500	8
Between	501 to 1000	5
Between	1001 to 1500	2
Between	1501 to 2000	5
Between	2000 and above	4
	Debt free	4

Out of 28 families only 4 families are free from debt and out of four families one family is landless labour, the members of this family work with other caste families for the whole day and get their two meals.

In the other village 'Nimgav' there are 4 Rawat (Rajputs), 3 Kolta, 5 Domi and 3 Bajgi families. Out of 8 Harijan families of Domi and Koltas all are bonded with four Rawat families.

(3) *Social Customs and Traditions*

The most important cause of indebtedness and bonded labour is the local customs and traditions. For example the custom of paying bride price involves most of these people in indebtedness. Since his financial position does not allow to pay bride price, he has to borrow from money lender and work as bonded labour. Out of 17 families we interviewed, 16 are bonded labour due to this reason. Secondly, on certain festivals everybody in the village has to sacrifice goat which cost not less than Rs. 100/-. This money is also borrowed from moneylender.

Thus, besides satisfaction of minimum requirements of livelihood, these people have to satisfy the requirements imposed upon them by social customs and traditions involving them in the problem.

(4) *Atrocities of the Higher Caste People*

Sometimes the poor bonded labourers are also subject to atrocities and inhuman treatment by the higher caste people with whom they are bonded. In case bonded labour does not turn out for job due to illness or personal reason he has to send his wife or other member of family as substitute otherwise he is not given food and sometimes he is abused and beaten, physical punishment like cattle is still prevalent. The following examples show the atrocities of the higher caste people :

1. Shri Runia S/O Joiya Kolta of village Samog borrowed a loan of Rs. 700/- from Shri Sunti Rajput of the same village Samog and was working with him for the last five years. Before a few months there was dispute between them and Sunti beat Runia and the latter stopped working. After few days Sunti came with 2-3 persons to Runia's house and demanded money. This poor man was not able to pay and so Sunti and party tied Runia with rope and beat him and then removed his two bullocks and a cow. Poor Runia could not do anything. Now Sunti insists Runia to pay balance of Rs. 300/- after adjusting Rs. 400/- against bullocks and a cow. This shows how cruel a man can behave with a man.

2. In the other case Kundas Kolta of village Nimgao was working with Dharam Singh Rawat against loan of Rs. 300/- which rose to Rs. 1000/-. Kundas is a one-eyed man and his working eye was growing weak. The creditor used to take work from him till late in the night. Due to weak vision he was unable to work in the night. So one day Kundas escaped from his house with his family when he was fed up with the treatment of his master. These cases normally happen in this area.

3. Shri Bhagat Ram Kolta of village Bistar is a half-educated person. He knows that bonded labour is illegal so he refused to work with Rajputs. The Rajputs wanted to punish him for his knowledge and refusal to work. One Rajput Shri J. S. Rawat who is a member of Project Advisory Committee asked

Chhodoo, a Kolta to institute criminal case against Bhagat Ram and in return promised him to sanction one of the grants given by the project office. The result was that a case has been instituted against Bhagat Ram and he is facing hardship and harassment.

4. Dharmu S/O Dum Kolta of village Leweti is bonded with Rati Ram Sayana of the same village for Rs. 1400/-. One day Dharmu arranged this amount from some one and came to pay Rati Ram to release himself but in turn Rati Ram refused to accept money and beat him. Poor Dharmu is now working with the Rajput Sayana.

This shows that even if the poor people went to release themselves out of the clutches of the higher caste person after paying their debts they are not allowed to do so and are beaten.

Besides physical punishment the higher caste people can harass the poor through well established traditional institutions of the village called 'khumri'. Khumri is village panchayat normally presided over by the Sayana.

Whoever comes before 'khumri' to redress his grievances has to pay a fee known as 'bistars' and after decision the fine imposed on guilty person is called 'dand'. This khumri is dominated by the higher caste persons and they can harass the poor by imposing as much *dand* as they can. For example—Bija Kolta of village 'Saini' near Kunain was found guilty of stealing potatoes. The 'khumri' was called upon to decide the case. The members of 'khumri' imposed *dand* of Rs. 800/- on Bija which was difficult for him to pay. Bija borrowed Rs. 800/- from Ranjit Singh Rajput and paid fine which was distributed among members of khumri. Now Bija is working as bonded labour with Ranjit Singh.

(5) *Illiteracy*

The other important factor because of which this problem is alive is the lack of education. Firstly, the whole of the area is educationally backward. The little education which the people have, is among the Rajput and Brahmins because they can

afford and they are also enjoying the privileges of being scheduled tribe. Practically there is no education among Koltas. If any Kolta student goes to school he is harassed by higher caste persons because they know that the spread of education would enlighten their knowledge. And these people would start demanding their rights. So they want to keep them indebted and exploit them.

(6) *Psychological Reasons*

Psychologically also these people have been brain-washed by dominating class. Refusal of payment of debt is considered by them as a sin. Moreover psychologically they think that by working as bonded labour their need is satisfied and their problem is solved because they get food from landlord. They don't think that the labour they put with the landlord is much more than the amount of interest plus food. This psychological brain-washing does not allow them to think more to free themselves from the people.

Role of Government to Solve this Problem

Constitutionally the bonded labour has been declared illegal and so legally this problem does not exist. But the problem of indebtedness still exists because debt can be recovered. To solve this problem, recently the Government of Uttar Pradesh issued Debt Relief Ordinance under which the debt existing in this area has been declared illegal.

Besides legal help to the people, the Government of U.P. is doing some development work for the area through the Block Development Offices and Project Office Grants are paid to the people for agriculture, horticulture, house building, cottage industries etc. by the Project Office; seeds, fertilisers, pesticides and taccavi loans are distributed through the Block Development Office.

Now we have to see whether the efforts of the Government to develop the area and to provide relief particularly to poor area is adequate or not ?

While answering this question we can say that the Government has not succeeded in solving the problem of the poor classes because of the following reasons :

The Government machinery functioning in this area is not an efficient one. The people of the area do not have faith in Government machinery and their grievances are not redressed. For example the project officer who is supposed to see about the welfare of the area and distribute grants to the needy people of Chakrata Block does not stay in Chakrata but stays in Dehradun and visits his office only once or twice a month. What people can expect from such Government agency ?

2. Secondly, the people of the area do not know as to what kind of relief measures are taken by the Government. They don't know what kind of Ordinance has been issued. So to make these efforts successful it is necessary to propagate the government measures in the masses so that the people may feel confident about the efforts of the Government.

3. Since the whole of the area is dominated by Rajputs and Brahmins and 'Jaunsari' has been declared as Scheduled Tribe, all the benefits are taken away by these castes and nothing goes to the poor bonded labourers. The majority of grants distributed by project office have gone to Rajputs and Brahmins and very little to the lower castes and particularly to bonded labourers. The higher caste people are able to attract the government officials in their favour. For example the V.L.W. who is field worker and responsible for distribution of fertiliser seeds and pesticides, to the cultivators. Since he also belongs to higher castes he would like to oblige the people of higher castes.

4. The problems of Koltas are not properly represented before the Government by the so-called representatives of this area. For example, the Joint Committee on Scheduled Tribes (Amendment) Bill 1967 asked a question to Shri Gulab Singh as to whether Brahmins and Rajputs are more advanced than the other groups. Economically, do they stand on equal footing ? The answer to this question is reported in the Committee Report as follows :

“The Brahmins and Rajputs are borrowing money from Kolta.”

This shows the anti-Kolta feeling of the political representatives of this area. They don't want to see Koltas free, otherwise they would be deprived of their services.

Possible Solution of the Problem

It is easy to discuss the problem of bonded labour, but its solution is not so easy because its root is so strong that it cannot be easily removed. We can attempt to find out the possible solution by which the problem can be weakened and then ultimately removed by lapse of time.

1. The most important task before the Government to solve this problem is to ensure to these bonded persons, the minimum requirements of life. In other words, it is very necessary to provide these persons with employment opportunities which can be done by :

- (a) distributing land among the landless, and
- (b) setting up of industries.

(A) Distribution of Land

Distribution of Land among landless persons is a must to solve the problem. The land should be distributed after it is duly reclaimed. The amount of reclamation of land can be recovered by Government in easy instalments. For implements and bullocks grant can be paid by the Project Office as are paid now with little difference and that these grants should be paid only to the landless persons. By distribution of land, these people will feel confident and will work hard in their own fields rather than the fields of their masters.

Secondly, 'naitor' should be allowed for Harijans and not for the higher caste persons. Moreover protective legislation should be passed by the Government in which all land transfers by Harijans to higher caste persons should be declared illegal. This will stop transfer of land from Harijans to higher castes.

(B) If the distribution of land is not possible in some area, the Government can start forest based and agro-based industries and these people could be employed in those industries and paid their wages. To solve the problem of need for money, these persons can be advanced money and this money can be deducted from their wages. Here we cite an example—suppose Government employs bonded labour families in industries and provides them meals for two times and Rs. 2/- as daily wages—Suppose Government advances loan of Rs. 1,000/- to this labourer. In such a case Rs. 1000/- can be recovered in 1000 days at Re. 1/- and this labour is paid Re. 1/- and two meals a day. Here in this case this debt can be paid within 3 years whereas if he goes to moneylender he may not be able to repay for years together and even indefinitely. If his other family members also work in the same industry they will be able to pay the debt even earlier. This will be much better scheme than the present system prevailing.

2. Secondly, the Government should understand this problem thoroughly and feel that it has to be removed and for this job efficient Government officials should be posted who could take pains to solve the problem, who could go in the interior of the area and decide the cases of such type on the spot and free the poor people from this problem.

3. Besides efficient Government officials, the people should also be made known about the Government programmes and efforts to eradicate this problem. For example such propaganda can be done on days of festivals or through school masters and the field agencies like V.L.Ws who are not biased against the poor class.

4. Spread of education is the other important factor helping in solving this problem. For providing education and enlightening knowledge of this class of society, special scheme of adult education and primary education should be started in which they should be made known about the Government help under various schemes and should be told about their rights so that these people become conscious about

their rights. Education is the only medium through which these people can be prepared to fight against the existing social customs and rigid structure and know about the civilisation existing in outside world.

Thus by resorting to these methods the roots of bonded labour can be shaken and gradually this problem can be solved.

II

Bonded labour is a peculiar problem in Jaunsar-Bawar area of Dehradun district in Uttar Pradesh. The population of Jaunsar-Bawar is about sixty thousands. Koltas who constitute one fifth of the population are mostly bonded. The population of Jaunsar-Bawar is stratified into three layers. The Rajputs and Brahmins occupy the top layer. The bottom layer is occupied by Koltas while the middle one is occupied by Bajgis and other craftsmen.

To trace the origin of this problem it would be better if some insight into the history of Koltas is made. The Koltas are believed to be the original inhabitants of this area who were overpowered by more advanced settlers. These settlers belong to the caste of Rajput and Brahmin. The Koltas have since been dictated by these castes. This state of affair continues even now.

In the British period two types of tenures were prevalent viz, *maurusi* and *Gair maurusi*. The *maurusi* cultivators were owner cultivators having right to transfer land but *Gair maurusi* were tenant cultivators. According to *Wajib-ul-arj*, which was codified by Mr. A. Ross around 1883, no Kolta could be a *maurusi* cultivator. *Wajib-ul-arj* was a collection of existing traditions and conventions. The *maurusi* cultivators were of only Brahmin and Rajput caste. The effect of these laws, which deprived the Koltas of their legitimate right to land, is that even now only few Koltas own land.

The inequitous position of Koltas is reflected even in the social system. They are barred from entering temples and entering the main portion of village with shoes on. They live at a distance from the main village. The Kolta women cannot wear gold ornaments. The Brahmins and Rajputs would not eat the food prepared by lower castes. These social constraints have made the Koltas believe that they are an inferior race.

Since the Koltas have little or no land, their income is very little. They have to depend on others to sustain themselves. This dependence of Koltas has taken the form of bonded labour in this area. The Koltas have to borrow in cash or kind for consumption purposes from the caste Hindus. Either the loan has to be paid with interest or the borrower works for the creditor. In the system prevailing in Jaunsar-Bawar the borrower works in lieu of interest. This system of working for the creditor leaves the borrower in no position to repay the loan. Generally the terms for giving loan to Kolta are :

- (a) He will work for the creditor in lieu of interest.
- (b) If he is unable to repay, his son will work till the loan is repayed.
- (c) If he leaves the village, his belongings would be auctioned.

The outcome is that the loan continues generation after generation. Here it would be worthwhile to mention that a Rajput may be in debt but he would never be a bonded labourer.

Once the Kolta becomes bonded he works for the creditor the whole day. He works in the field, looks after the cattle, brings fodder for them and does all sorts of jobs for the landlord. The landlord provides him two meals a day—*Sattu* and *Roti* in the morning and *Roti* and *Dal* in the evening. Food is provided only when he works. If a bonded Kolta becomes ill he will not be provided food. Besides food is provided only to the working member of the family. Clothes

are provided to the bonded member once a year. Generally he is given old and worn out clothing. The wife and children of bonded members are not provided with food or clothing.

The bonded Kolta is provided a piece of land to build a house. He is also given some land by the landlord. The land is just enough to sustain his family. Generally *Banjar* land is given to Koltas. The whole family of the bonded labourer, after putting tremendous labour, makes the field agriculture worthy. The bonded Kolta can be evicted from this land because he is only a tenant. In many cases it was found that when the Kolta had made the field worthwhile he was evicted by the landlord and again given a *Banjar* field. This hopeless situation of the bonded labourer makes him borrow in cash or kind and the debt keeps piling up.

In most of the cases indebtedness arose from variety of reasons. The most common cause of indebtedness is wedding or consumption or both. The table brings out this fact clearly.

Wedding	Wedding and consumption	To repay loan	Purchase of bull-ock and repayment of loan	Consumption	Consumption and wedding and repayment of loan	<i>Chhoot</i>
8	4	2	1	4	1	1

Out of the twenty three cases examined, in ten cases indebtedness is passed on to the next generation. The indebtedness has increased with time in all but five cases. Only in two cases some attempt has been made to pay back the debt.

To make the Koltas dance in tune to Rajputs and Brahmins traditional authority of village panchayat is used. If a bonded Kolta refuses to work in the field of the landlord, the traditional panchayat sits and asks him either to repay the debt on the spot or work. If the Kolta offers any resistance he would be

beaten up. If the Kolta refuses to come, he would be tied with ropes and brought before the panchayat. Fine may also be imposed on the Kolta by the panchayat. Out of the several cases examined in three cases the traditional panchayat was called to take action against the Kolta. In one case fine of Rs. 30 was imposed for not coming to work for a day.

The system of exploitation has religious manifestations also. If a Kolta refuses to work, his master may offer sacrifices to evil gods so that the Kolta may perish.

The freedom of the bonded labour depends upon the sweet will of his master. It depends upon the master how many days a Kolta will get as holiday. Similarly if a Kolta is ill for a certain time some landlord may add the interest of those days when he is unable to work to the principal, others might not do so. The landlord may provide new or old clothes as he wishes.

HOLIDAYS PER MONTH

	No. of holidays	One holiday	Two holidays	More than two holidays	No Answer
No. of cases	11	2	4	2	4

It is possible that a person may be bonded to whole of the village panchayat. In these cases small amounts are contributed by every Rajput and Brahmin family and a whole sum is given to the person concerned. This person works by turn for each family. Generally Bajgis fall in this category. They serve the village as a chaukidar, drummer and barber.

Most of the Koltas are illiterate. Being illiterate they have no idea what is being entered by the moneylender in the account books. Some time inflated claims by the moneylender are made. The debtor has no choice but to accept it because partly the transactions are oral and he cannot afford to go to court of law. Besides the Koltas are forced to put their thumb

impression on the account books making their case very weak. The most a Kolta can do is to call a village panchayat. Here again it is completely dominated by Rajputs and fine may also be imposed upon him on some pretext. So all the avenues of justice are closed to him. When a Kolta gets fed up with his master he migrates to another village. This is merely a change of masters. When a Kolta, seeing his hopeless situation becomes frustrated he flees to plains. This has given rise to prostitution in many cases. To tackle the problem of Koltas migrating to plains or selling their daughters and other female members of their families, it is necessary that the problem of bonded labour be tackled first.

The law and order in the interior of Jaunsar-Bawar is looked after by the Revenue Police. The patwari, Kanungo and Tehsildar have been given police powers. Since most of the patwaris are local Rajputs they have not taken care of the problems of the weaker sections of the society carefully. Cases of intimidation of Koltas are quite common. A Kolta can be beaten up or harassed without redress. This brings to focus the point that local administration should help the weaker sections instead of acting in league with the exploiters. To bring this change recruitment of people belonging to weaker sections of society in local administration is necessary.

With the spread of communication network this area is opening up. But still the resistance to accept modern village Kotti which is connected by road and is electrified has six bonded labourers out of thirteen families living in the village. And all other Koltas work as agricultural labourers. This brings to focus the point that without adequate means of employment the bonded Koltas cannot become free. To provide gainful employment the rules of *Navtor* (break new land) may be given shape favourable to Koltas. They must be allowed to break new land wherever possible. This has been difficult to them because most of the land belongs to the village or *khat* panchayat. Since Koltas have no say in these panchayats most of the *navtor* has been done by caste Hindus.

People bonded		Inherited debt Yes/No. In cash or kind or both	Debt taken by Informant Yes/No. In cash or kind or both	Total sum claimed by landlord	Caste of landlord	Period of bondage	Purpose for which inherited debt taken	Purpose for which loan taken by informant
Male	Female							
Informant & his father	×	Both	Both	1100	Rajput	Since birth	Wedding & consumption	Wedding and consumption
Informant	×	Cash	Kind	900	-do-	-do-	Not known	Consumption
-do-	×	No	Cash	570	Whole Panchayat	4 years	×	To pay debt of Coop Society
-do-	×	No	Cash	1200	Rajput	14 years	×	Wedding
-do- His wife	×	Cash	Cash	1800	-do-	Since birth	Wedding	Wedding
-do-	×	×	×	1000	-do-	23 years	×	Consumption and wedding
-do-	×	×	×	1200	Brahmin	4 years	×	-do-
-do-	×	×	×	800	Rajput	8 years	Not known	Wedding
-do-	×	Both	×	1050	-do-	5 years	Consumption	Purchase of bullock repay- ment of loan
-do-	×	Cash	Both	1000	-do-	Not clear	Purchase of goat	Consumption
-do-	×	×	Cash	1500	-do-	10 years	×	Wedding
Informant & Uncle	×	×	×	2580	-do-	Since birth	Wedding & consumption	Repayment of old debt
Informant	×	No	×	400	-do-	3 years	×	Wedding
-do-	×	Cash	×	1200	-do-	Since birth	Wedding of son	×
Informant & 2 brothers	×	×	×	500	-do-	10 years	& Consumption	×
Informant, mother, brother	×	Both	Cash	1000	-do-	14 years	to repay debt	Consumption
Informant	×	×	×	1000	-do-	13 years	×	Wedding
-do-	×	×	×	1300	-do-	5 years	×	×
-do-	×	×	×	700	-do-	3 years	×	×
-do-	×	×	×	500	-do-	7 years	×	Consumption
-do-	×	×	×	1800	-do-	14 years	×	Wedding & Consumption
Informant	×	×	×	3400	-do-	Since birth	Wedding	Wedding & wedding choori
Informant	×	×	×	100	-do-	1 year		

Extension of educational facilities in remote areas would benefit the local population immensely. Educated Koltas would not fall prey to moneylenders. They can also be trained in cottage industries like basket making, blanket making etc.

The root cause of bonded labour is indebtedness. This is due to the fact that a Kolta spends lavishly on festivals and weddings while his income is meagre. Every Kolta household sacrifices a goat in Magh festival. A social awakening is necessary for curbing in this conspicuous consumption and drinking of wine. Spreading of education and social workers can do much in this direction.

Mere passing of laws prohibiting bonded labour and scaling down of debts is not enough. The laws should be given enough publicity. The true effect of the laws can be felt only by close supervision. Without proper enforcement and follow up they are a mere piece of paper. Efforts to provide alternate employment to Koltas should be started simultaneously.

III

Tucked away in the north-east corner of the Purola Block of Uttarkashi district (U.P.) lies the impoverished and backward area of Fateh Parvat. Distant and secluded, it is untouched by many of the benefits of civilisation and also by most of its evils. But the existing social and economic order of debt Fateh Parvat still has its own problems—untouchability, indebtedness and bonded labour being the major ones. The system of bonded labour which represents the severest form of exploitation is the topic of this particular paper.

The system of bonded labour exists in many of the Indian States. But as the 21st Report of the Commissioner for Scheduled Castes and Scheduled Tribes (1971-72, 1972-73) mentions, “most of the States/Union Territories are reluctant to accept that bonded labour is prevalent in their areas.” The

system is variously called *GOTHI* (Andhra Pradesh), *SONKIA* (Bihar), *HALI* (Gujarat), *JEETHA* (Karnatak), *GOTHI* (Orissa), *SAGRI* (Rajasthan) and *MAT, KHUNDIT-MUNDIT* and *SANJYAT* (U.P.). The basic pattern, allowing for regional variations, is the same in different parts of the country and the degree of exploitation is equally severe.

During the course of the socio-economic survey carried out by us in some of the villages of Fateh Parvat area, we canvassed a schedule on bonded labour. Because of paucity of time, attempts to unearth cases of bonded labour could be seriously made in only three villages of the area—Deora, Satta and Osla. In all sixteen cases were detected and the persons concerned interviewed. The questionnaire tried to elicit basic information about the case—when was the loan taken, conditions on which the loan was given, why was the loan taken etc. It is on the basis of this data that this paper is being written.

It would be useful to mention here that the group carrying out the survey faced some problems initially in making the local people talk about this practice. At first there was no response ; only after great effort were some of the bonded labourers persuaded into giving the details. While the language problem was not too great, the failure of the interviewers to remember dates or figures with some degree of accuracy provided a hurdle. The figures which are presented here should therefore be treated as an approximation, hopefully a close one. Finally, we are by no means certain that we succeeded in interviewing all the bonded labourers of these villages—there might have been some more ; what we are certain about is the fact that this system is prevalent in most villages of this area.

Sl. No.	Block	Village	Bonded labour cases inter-viewed	Caste of Bonded labourer
1.	Purola	Deora	2	Harijans
2.	Purola	Gianchwagaon	1	Harijan
3.	Purola	Satta	7	All Harijans
4.	Purola	Osla	6	All Harijans
		Total	16	

The problem of bonded labour in this area must be viewed in the background of (a) the social structure (b) the landholding pattern and agricultural practices of the area.

In most villages, there is a clear demarcation between two groups of castes—the Brahmins, Rajputs—and the Harijans. Harijans are sub-divided into sub-castes—Bajgis, Lohars, Mistries etc., but except the Bajgis who enjoy a comparatively better social status, all the other Harijans are treated in the same manner. This social differentiation is manifested in the lay-out of the village—the Rajputs live in one area (normally at a lower level).

The landholding pattern clearly shows that the means of production are concentrated in the hands of the Rajputs and Brahmins: for example, in Deora, Brahmins who form 28% of the population own 63% of the cultivated land. It must be added here that in fact the condition of the Harijans is worse than these figures suggest, because some of their land has been alienated or mortgaged to the Rajputs and Brahmins or has been occupied by them. Another fact that ought to be mentioned here is that in addition to agriculture, the Rajputs in the Osla and Satta area also breed sheep. This generates extra earning and hence increases the income gap between the Rajputs and the Harijans. Finally, though almost all Harijans own land, quite a few of them have actual landholdings which cannot produce enough to meet even their own needs.

Sl. No.	Village	<i>Harijans</i>			<i>Rajputs</i>		
		Popu- lation	No. of house- holds	Average family land holding	Popu- lation	No. of house- holds	Average family land holding
1.	Deora	134	22	1 acre	53	10	4 acres
2.	Satta	176	19	2.8 acres	132	26	7 acres
3.	Osla	127	34	0.9 acres	230	42	4 acres

The Fateh Parvat area lies between 5000 ft.—8000 ft. and above. The terrain is rocky—cultivation is made possible only by constructing terraces along the hill-side. Landholdings are not consolidated and are spread all over the hill-side. Most of the cultivated land is unirrigated and hence dependent on rainfall. Erosion and land slides play havoc with the fields. High yielding varieties and fertilizers are not commonly used. The crop that does grow is damaged by wild animals—monkeys, bears and wild boars. The whole result is that the yield per acre is extremely poor and hence those people, dependent exclusively on agriculture, are forced to take loans for subsistence.

Perhaps if the co-operative societies had been functioning more meaningfully, and had advanced loans for subsistence, those Harijans might have approached them. But the co-operative society advanced short term agricultural loans, and the experience of the Harijans when they were unable to repay the loan in time has been so nerve-shattering that most of them would prefer to take loans from local moneylenders even at usurious rates of interest rather than risk their being imprisoned or their belongings being confiscated and auctioned.

It is in such conditions of grave hardship and helplessness that the starving Harijan approaches the moneylender, (normally a Rajput or Brahmin landlord) for a loan. Always ready to exploit and keen to engage labour for their fields, the landlord agrees to forward the loan on 25%—31% interest. Realizing his incapacity to pay interest at this rate, the debtor agrees to labour in the creditor's fields in lieu of interest. Such contracts are normally verbal and the conditions on which the loan is given are well-known. The debtor works in the creditor's fields or does such work as the creditor desires, as and when called upon to do. On the days he works, the debtor gets two meals a day, which normally comprise of 6-7 *chapatis* and *dal*. There are no fixed working hours nor a fixed number of working days. This contract automatically

expires the moment the debt is repaid. The debt can be repaid in instalments, but the illiterate debtor is completely at the mercy of the creditor who can manipulate the accounts as and when he wishes.

The extent of exploitation involved is stupendous. Suppose the initial loan was Rs. 200/-. Interest on the principal at 25% per annum would amount to Rs. 50/- in a year. In lieu of this if the debtor puts in even 20 days labour a month for 10 months, he works for 200 days. If an average labourer is paid Rs. 3/- a day, the debtor ought to have been paid Rs. 600/-, which is more than twice the amount he borrowed plus interest. Yet at the end of the year, the bonded labourer has repaid only the interest and the principal remains intact,

As mentioned earlier, the Harijans cannot produce any agricultural surplus. They have no other means of earning additional income—no wool from sheep-breeding, no horticulture produce, no cottage-industry goods. The only possible means of earning hard cash is by working in the forest or on government projects (road-building etc.). Even there they are exploited and after working for 12 hours a day for 6-8 months a year, they manage to get Rs. 300-400/-. It is out of this hard-earned money that some of the debts are partially or wholly paid. If the debtor is the only working person in the family, even this avenue is closed to him. It is not surprising then, that debts are not paid from as long as 17-18 years (cases 1 and 5), and the debtor continues to toil as a bonded labourer in the fields of the creditor.

A brief survey of the data collected shows that :

- (1) All sixteen debtors/bonded labourers were Harijans.
- (2) All the creditors were Rajputs.
- (3) The minimum amount for which a person was bonded was Rs. 20/- and the maximum Rs. 2,700/-. The average debt of these sixteen bonded labourers was Rs. 683/-.

- (4) The minimum period for which a person had been bonded was 6 months and the maximum 18 years. The average period for which a debtor had been bonded was 3 years 3 months.
- (5) In addition to the interest, while taking the loan, each debtor had to pay $6\frac{1}{4}\%$ of the loan as "Ganth-Khulai".
- (6) In most cases, loans had been taken for subsistence (10 clear cases). In other cases loan had been taken for marriage or to repay earlier loans. The larger amounts were taken for marriage or to repay debts taken for marriage (cases 10 and 12).
- (7) Except in two cases, where the agreement was written, all contracts were verbal.
- (8) While in Satta village, all the debtors were working as bonded labourers in the same village, in Osla, all six debtors were bonded to landlords of the neighbouring villages of Gangar and Pawani (about 3 miles from Osla). During the time the labourer was engaged in work, the Osla debtor had to spend the nights in the landlord's house and was asked to sleep in the chamber where the sheep were kept.
- (9) Most of the Osla bonded labourers complained that they were beaten occasionally.
- (10) Only in one case in Deora village—(Sundriya—No. 8) there was the provision that for every year's bonded labour, the debt would be reduced by Rs. 500/- out of Rs. 1500/- which he had taken.
- (11) Most of the bonded labourers did not think they would be able to repay the debt in the foreseeable future. Most of them said they would try to earn some money by working in the forest or on a government project to repay the debt.

What struck us as remarkable was the manner in which this exploitative system has been accepted as a normal or routine measure by both the exploiters and the victims. The

Rajputs argue that the system is beneficial for the Harijans because (1) the Harijans are able to get the money in time of need, (2) they get two meals per day for every day's labour that they put in. In addition, the Rajputs claim that they give the Harijan labourers clothes and seed for their own fields. No other avenue being open to them, the Harijans have also come to accept the system and enter into the contract, knowing fully well the misery and hardships such a contract would bring to them.

Various measures to get rid of this system have been recommended by different people and authorities. The commissioner for Scheduled Castes and Scheduled Tribes has made the following suggestions :

1. That an intensive study should be made of the practice of bonded labour wherever found and in such backward areas where there is probability of its prevalence.
2. Sealing down of old debts and payment to the creditor on behalf of the debtor by a government department or cooperative society.
3. Prosecution of moneylenders who are carrying on the business of moneylending without the permission of competent authority.
4. Enforcement of the Minimum Wages Act.
5. Allotment of cultivable land to as many bonded labourers as possible.
6. Appointment of suitable staff to guide the bonded labourers for assertion of their rights.
7. Reputed non-official agencies should be entrusted with the scheme for improvement of economic condition of bonded labourers.

The U.P. Governor has promulgated the "U.P. Scheduled Castes, Scheduled Tribes or Denotified Tribes Debt Relief Ordinance" on 2nd October, 1974 which writes off all un-registered debts taken by agricultural labourers belonging to

Scheduled Castes/Tribes or Denotified Tribes from private moneylenders. Under this Ordinance, all suits, appeals, revisions or execution proceedings pending on October 2, against the debtors, will have abated. The Ordinance is expected to benefit 3.9 million landless families and according to the Chief Minister, U.P. by this Ordinance "the chains of slavery and serfdom would be broken and the dormant energies of the poorest and weakest section of society would be released."¹

We would like to suggest that such legislation and such measures as suggested by the commissioner for Scheduled Castes and Scheduled Tribes while bringing about some improvement, will not succeed in getting rid of this system of bonded labour. To emphasise this point, we would like to draw attention of an Act called the Bihar and Orissa *Kamiauti Agreement Act*, 1920, which 50 years back made an effort to destroy this system in a similar way. The Act declared any *Kamiauti* (a type of bonded labour) agreement void—(1) Unless the full terms of the agreement were expressed in a stamped document. (2) Unless the *Kamia* (bonded labourer) was given a copy of this statement. (3) If the period of the agreement exceeded or could possibly exceed one year. (4) Unless the *Kamia's* liability was completely extinguished on the expiry of the term of the agreement. (5) Unless the *Kamia's* remuneration under the agreement was fair and equitable.²

The Act did not prove effective in suppressing the abuse and the system continues in Bihar till the present day. Why? Because in our opinion, any such legislation, unless it is accompanied by complementary development programmes for the improvement of the economic condition of the backward classes, will have only superficial benefits. Another example

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1. Times of India, News Report on Press Conference of Chief Minister, Mr. H. N. Bahuguna, TOI—10th October, 1974.
 2. From "The *Sewaika* System in the District of Palamu"—Paper of Bihar Tribal Welfare Research Institute—July, 1973.

of how legislation alone cannot destroy this system is the continued existence of bonded labour in Rajasthan in spite of the *Sagri System Abolition Act* having been in force for the last 13 years.

If this problem has to be overcome, it must be tackled at its roots. As has been pointed out, most people become bonded labourers because they cannot make both ends meet and who therefore have to resort to loans. One way out would be to rationalize the credit system so as to ensure that the needy among the economically weaker sections can get long-term subsistence loans from government agencies or co-operatives. But this would be a temporary solution because since the yield is poor and good rainfall erratic, continuous droughts and near-famines are not uncommon. In such circumstances, the people would fall into the habit of taking loans from co-operatives would thus tend to become lazy and parasitical.

The only solution seems to lie in providing these people with an additional source of income. Sheep-breeding, horticulture and cottage industries have plenty of scope for development in this area. With proper training, grants/loans and the necessary infra-structure these people could be given a subsidiary occupation which by enabling them to generate a "threshold income" would rescue them from the clutches of local moneylenders.

We therefore suggest that :

(1) Development and extension work be undertaken in this area in the sheep-breeding, horticulture, cottage industry and forest sectors in such a way as to ensure the participation would lead to the generation of extra income.

(2) The credit and cooperative system be so reorganised as to meet the financial demands of these backward-classes. This can be done if instead of solely the relatively better-off classes benefitting from these schemes, the exploited classes' needs are also fulfilled on some priority basis.

(3) An attempt should be made to increase the agricultural yield of this area by introduction of high yielding varieties, fertilizers, irrigation facilities by imparting necessary training and by giving some priority to weaker sections in the supply of inputs. Such a multi-pronged attack has more chances of succeeding.

Besides the government, some voluntary organisations could also help in these directions. For example, the *Halpati Sewa Sangh*, a voluntary organisation of Gujarat has taken up programmes like training-cum-production centres for enabling the *Halpatis* (local term for bonded labourers) to increase their employability in various professions. This programme has met with considerable success.

Unless legislation is preceded or at least accompanied by such development programme as to enable the exploited class to financially independent, legislation will be meaningless and ineffective.

1.	Minu	(a) 500 (b) 300	(a) Kundilal (b) Lalsingh	Food Food	17 years 17 years
2.	Strmu	220	Thakur Singh	Repay loan of coops Society	6 months
3.	Banasu	300	Sulku	Food	1 year
4.	Dilsuk	105	Dev Singh	Food	5 months
5.	Sukha	300 35	Hukma } Thakar }	Marriage To buy sheep	18 years 5 years
		20	Sulku }	To buy wooden box	10 years
6.	Nanda	100	Dev Singh	Food	12 years
7.	Sundriya	1500	Surender Dutt	Consumption, buy bullocks, repay debts,	6 months
8.	Resu	90 20	Kirtisingh Tulsiram	Food Food	6 months 6 months
9.	Alamoo	1100	Prithvi Singh	To repay debt for roofing house	3 years
10.	Punnu	2700	Yudhbir Singh	To pay debt taken for Marriage	6 months
11.	Rupa	640	Lakhiram Kunwar Singh Sunder Singh	Marriage Food	3 years
12.	Soga	2300	Lakhiram Vikram Singh	Marriage	1 year
13.	Aalmu	100	Jit Singh	Food	1 year
14.	Harina	100	Badri	Food	6 months
15.	Gopal	200	Kunwar Singh	Food	6 months
16.	Fullu	300	Jurbi Singh	Food	1 year

N. B. :—(a) All debtors belonged to Harijan community. (b) All creditors were Rajputs. (c) All agreements except 9 and 10 were verbal. (d) Debtors 1 to 6 and 8 belonged to Satta village. 7 and 10 belonged to Deora village, 9 to Gaingh Wagon village and rest to Osia village.

CHAPTER TWO

SOCIO-RELIGIOUS PRACTICES IN A POLYANDROUS AND BACKWARD AREA

The more backward a community is the more rigid and orthodox are its religious, and social practices and that is what one finds in the Kalsi Block—a part of Jaunsar-Bawar region of district Dehradun. In the Block there are four major castes namely the Rajput, the Brahmin, the Bajgi and the Kolta. All these castes believe in Hindu religion and worship by and large the common gods. Polyandry is practised in general by all the castes. But some well-to-do Rajput and Brahmin families are also simultaneously practising the polygamy. Child marriage is in vogue in all the castes except a very few cases of adult marriages. On the occasion of marriage the 'Barat' is taken by the bride to the bridegrooms house and unlike the plains of U. P., marriage ceremony takes place at the house of the bridegroom. Husband and wife are free to divorce. But if the wife divorces her husband she has to pay a bridal price called "CHHOOT" to her previous husband.

So far the social stratification is concerned, Rajputs are on the top and dominate the Bajgis and the Koltas. Koltas are subjected to more social discrimination than the Bajgis. For instance Bajgis are served in the utensils of the host Rajputs at the mass 'bhoj'. But the Koltas have to bring their own utensils during such occasions.

The types of social discrimination and the social disabilities which the Koltas (including the dom-Koltas) are subjected to, can be very well revealed by elucidating some of the following practices. The practices are enforced by the Sayanas through a traditional village Panchayat called 'khumri'.

First of all the Koltas are prohibited to wear shoes while they happen to walk in the locality of the Rajputs or the

Brahmins. As soon as a walking Kolta approaches such locality he has to take out the shoes from his feet and then carrying these in his hand walks bare-footed irrespective of the severity of the weather.

Secondly, while crossing or overtaking a member of upper caste (Rajput and Brahmin) a Kolta is prohibited to do so on the side of the higher slope. He has to cross or overtake him on the side of the down slope. And while doing so it is also obligatory for him to wish by uttering the word 'DHUUNYA' which means "your lordship Thakur" and by no other words. Koltas are not even allowed by the upper caste Hindus to wish them by uttering words like 'Ram Ram', 'Namaste', 'Jai Hind', etc. as they commonly believe that by allowing the koltas to wish them by these words would bring the Koltas at their par which they do not want.

Thirdly, the Koltas are prohibited not only to enter the temples but even to touch the walls of the temples. While receiving an alm a Kolta is not supposed to touch the hand of the upper caste alm-giver.

A point to be noted is that if any Kolta or a Dom-Kolta is found violating these norms—even by mistake—he is given an exemplary punishment by the 'Khumri'—and upper caste dominated traditional Panchayat—so that other Koltas hours all persons go to the main village temple where singing and dancing is resumed. After half an hour Rajputs and Brahmins go to their houses to take tea or drink who again join the festivities. Singing and dancing continues till 1000 hours. These Koltas who are to sing again in praise of the Rajputs are allowed to take rest from 0800 hours to 1000 hours. The selected group is drawn from each Kolta family. These Koltas start singing the 'Budhiat'—a praise song for the Rajputs—at 1000 hours and continue to sing till 1400 hours. During this period Rajput ladies come to offer these singing Koltas *Sattu* and liquor. They dump their individual contribution in two jars. They do not directly distribute this *sattu* and the liquor with

their own hands to the Koltas but it is for the wife of the Bajgi to do so. These Koltas have to take the satttu and the liquor in their own utensils. After this refreshment the Koltas in a group first go to the house of the village *Sayana* followed by their visits to his other near relations and then to other Rajputs and the Brahmins of the village one after the other. During such visits these Koltas are offered at each door liquor and *Satttu*. At each of the Rajput door they sing the praise song called 'Budhiat' namely, "Shyam Ke Ghar Budhiat Lekar Learni Jane". If the party of the singing Koltas happen to ignore even by mistake any Rajput house all of them have to bear the brunt of it in the form of fines levied after the Diwali is over.

On the same day of main Diwali at about 1100 hours the wives of these Koltas who work as bonded labour, offer at the rate of 25 pieces of walnut to their landlords. Besides this, each family of Koltas is required to offer at the rate of 25 pieces of walnut to the *Sayana* in the name of the temple. At about 1900 hours the walnuts so collected by the *Sayana* are distributed by him by standing on the temple wall and throwing these down to the crowd of villageers. Simultaneously the Bajgi sounds the drum. This is followed by some singing and thereafter all persons retire for rest.

The third day is a day of rest. But the night is full of festivities. Around 2100 hours two Koltas are dressed as goat and sheep by covering their bodies by the skin of these animals. Then they are yoked in a plough. A Rajput handles the plough and made the Koltas dance. This goat and sheep dance is followed by the cow and dog dance again acted by the Koltas. The Rajput acts as the owner of the cow and the dog. A big fun and frolic is generated which continues till 2200 hours to 2300 hours.

During the same night at about 0200 hours Koltas alternately are dressed as a deer on whose back rides the *Sayana* with bare swords in both of his hands. The deer Kolta have

to dance by moving his head. Other spectators also dance mildly. This ends around 0500 hours.

After the breakfast around 1000 hours, one member from each family go out in the jungle and bring wood for making a wooden elephant. This is made by the Barai and is ready by 1700 hours. Around 2100 hours again one person from each family go to dress up and decorate the wooden elephant with new clothes and ornaments.

On the last day of Diwali the elephant dance is held from 0200 hours to 0600 hours. Every adult male Kolta is compulsorily required to attend and take part in the elephant dance. For other higher caste people there is no such compulsion. This elephant is made of solid wood and is quite heavy. This beautifully decorated elephant is lifted alternately on the shoulders of the four Koltas at a time. The *Sayana* of the village rides on it royally with bare swords in both his hands. The four Koltas, who support it, dance. Every adult male Kolta is required to lift this elephant atleast once during the period of its dance. During the day in the afternoon there is held a community dance on the courtyard of the temple which brings to an end the great festival of Pahari Diwali.

Magh Festival

Three days before the onset of the month of Magh, each family of villagers kill animals like goat, sheep, pig and chicken. Most of the people kill goats and those who ill-afford these may kill any one of the above mentioned animals. The meat of these animals is dried and eaten throughout the entire period of the month of Magh. It is considered a blessing to take meat and drink during this month. Rajputs themselves kill the goats but their skin is peeled off by the Koltas. Large number of guests are received by each family. Most of the marriages take place during this festival. During the marriages in Rajputs, Koltas work as the carriers of the items of dowry. For this service they are not paid anything except the food.

Bissu Festival

It is celebrated in the form of a big fair which is held in each *Khat* at specified places on the 3rd day of Baisakh each year. This is marked with merrymaking, meeting people and shopping of the household goods.

Mandua Festival

It is celebrated in the month of August to rejoice the good mandua harvest. It is also marked with drinking, dancing, singing and other sorts of merry making.

Village Worship

It is held to appease the god of soil of the village only when a calamity falls on the village. What is done is that a Kolta takes out a goat followed by the upper caste persons alongside the periphery of the village. When the round is complete the goat is sacrificed in the village temple and its meat is distributed to all the families in the village to eat.

Macch Maun and Jatra Maun

When all the people on the *Khat/Parti* assemble to catch the fish in the river it is called the Macch Maun. Each of the person so collected has to contribute some powder of the *timsu* bark which when put in the flowing water makes the fish unconscious easily catchable by them.

In case of Jatra Maun, people of a *Khat* can celebrate it on the orders of the *Sadr Sayana*. They just assemble at a special place and enjoy time by merry-making.

In view of the preceding discussion of some of the socio-religious practices in the Khalsi block, it seems that a deliberate attempt is involved in creating, strengthening and perpetuating the prevailing social disabilities such as untouchability, discrimination, imposition of restrictions and a psychological degradation in respect of the depressed classes. The higher castes seem interested to maintain the same status of

these depressed people as it serves their economic ends. Moreover, in the garb of the festivals like the Pahari Diwali they including their women and children are made to feel that they are born inferior to serve the upper castes. These prevailing social religious practices are the main impediments in their social and psychological development. These impediments have to be removed with concerted and combined efforts of the social reformers and the Government. Education of these depressed people is a must which would make them realise their position and by which they can devise ways and means to develop.

CHAPTER THREE

THE SEDENTARIZATION OF THE GUJJARS

The Central Asian Origin of the Jats, Ahirs and Gujjars

It has been suggested that, the Jats, Gujjars and perhaps Ahirs are all of the same ethnic stock. They were all probably a race of nomadic herdsmen from Eastern or Central Asia, who entered the Punjab at different times and gradually spread over large parts of Northern, Western and Central India. This large-scale migration began around the second century B. C. and by the twelfth century A.D. their assimilation into the Hindu social order was complete. It is possible that the Jats were the camel graziers, the Gujjars the cow-herds of the hills and the Ahirs the cow-herds of the plains. This is similar to the classification of the castes above them (i.e. the Brahmins, Banyas and Rajputs) and the castes below them (i.e. the *Tarkhans* *Chamars* etc.). According to tradition, the Gujjars are the offspring of Rajputs who had united themselves with women of inferior lineage possibly Ahir. It is remarkable that the province of Gujarat, which seems to have been their first abode, lies between the Rajput province of Malwa and Sindh, where the Abhiri who are supposed to be Ahirs, formerly lived.

Migrations

The Gujjars take their name from the Sanskrit 'Gurjara'. In the course of their migration from Northern India into Central and Western India they gave their name to several places (e.g. Gujristan in Afghanistan, Gujranwala in the Rechna Doab, Gujarat in the Chaj Doab and Gujarkhan in the Sindh Sagar Doab and the name of Gujarat State). It is by no means clear why the Gujjars left Gujarat. The Ahirs too, left Sindh and today, both communities are concentrated in Northern India. There is also definite connection between the locations and migrations of Gujjars and Rajputs which is more than

accidental. Whenever there is a substantial community of Rajputs there are also either Gujjars, Ahirs or Jats as well. The Rajputs have a superior caste status vis-a-vis the Jats, Ahirs and Gujjars. Today the Gujjars are found in great numbers in every part of the northwest of undivided India, from the Indus to the Ganges, from the Hazara mountains to the peninsula of Gujrat. They are more numerous about the banks of the upper Jamuna near Jagadhari and Buniya and in the Saharanpur district which during the last century was actually called Gujarat. To the east, there are small pockets in Bundelkhand and Gwalior. They are scattered in small bodies throughout Eastern Rajasthan, but are more numerous in Gujarat where they form a large part of the population. In the South Punjab they are thinly scattered but their numbers increase rapidly towards the North. They are more numerous about Jablain and Hasan Abdal and throughout the Hazara district.

Population

Nearly four-fifths of the entire community of 424,000 has adopted Islam. There are only 112,000 Hindu Gujjars who are chiefly concentrated in the cow-belt from Delhi, Hissar, Ambala and Jullundar. Of the 1 lakh nomadic Muslim Gujjars who remained in India after partition, U. P. has about 20,000, Himachal Pradesh has 15,000, and the remaining are in Jammu and Kashmir.

Conversion to Islam and the Gujjar Character

The Gujjars are reputed to have been forcibly converted to Islam by Tumor Babar. In his memoirs he writes "Every time I entered Hindustan the Jats and the Gujjars have regularly poured down in prodigious numbers from the hills and the wilds to carry off oxen and buffaloes." Sher Shah tried to annihilate them but was unsuccessful. Jehangir remarks in his memoirs that the Gujjars live chiefly on milk and curds and seldom cultivate land. In 1857 the Gujjars fought fiercely against the British. According to the current wisdom of the

countryside, "when the *Dome* made friends with the Gujjar he was robbed of house and home." Another village proverb says, "A Rajput will steal your buffaloes but a Gujjar will send his father to say he knows where it is and get it back for Rs. 20 and keep both the buffaloes and the twenty rupees." The British described the Gujjar as "a fine stalwart fellow of precisely the same physical type as the Jat. They have long narrow faces with beaked noses. Tall and gaunt, in motion slow and ungainly, they are rather surly in disposition, having that kind of independence which consists in liking to be left alone."

Our team came across Gujjars for the first time at Mori in the Uttarkashi district. They were tall, dark and Machiavellian. They wore checked *lungis*, loose *kurtas*, a waistcoat and their very distinctive hand-embroidered caps. These caps are very colourful, the predominant colours being pale pink and pale blue. Most of them did not wear shoes and their feet were as broad and thick as a *Dhobis*. The more 'modern' Gujjars wore shirts instead of *kurtas* and cheap rubber shoes. Some even sported wristwatches. The women are not as big built as the men. The *salwar-kameez* they wear is a hill variant of the kind worn on the plains. The *salwar* has many plates and is usually printed with small flowers against a green or blue background. This is similar to the *salwar-kameez* of the Gujjar women of Kashmir. The women wear little silver jewellery. Kashmiri Gujjar men wear the frontier type of loose pyjama instead of the *lungi*.

The Gujjar way of Life : of Pastures and Bribes

In Uttar Pradesh there are two kinds of Gujjars, those who are still nomadic and those who have settled down. The so-called Gujjar problem is the problem of grounding nomadic Gujjars. The nomadic Gujjars are seasonal nomads, They have fixed routes and a more or less fixed time-table. We found that the Gujjars spent April to September on the pastures of Har-ki-Doon (11,200 ft.) and after a month's travel

reached the forests of Saharanpur and camped there till March when they set off again for the mountains. Abdul Ghani, a 21 year old *Sunni* Gujjar was very frank with us. In winter, he said, he camped with his family at Ranipur near Saharanpur. This family of eight owns thirty buffaloes, one cow, seven horses and a dog. The daily yield of milk is thirty kg. of which the family consumes ten kg. The rest of the milk is converted into *ghee*. They normally make six tins of *ghee* each tin containing seventeen kg., *ghee* is sold at sixteen rupees per kg. (i.e. 96 kg = Rs. 1,536-00 per month). They do not buy buffaloes as most of their cattle is inherited. Every year they spend about four hundred rupees on their animals. Government has issued ration cards to them. They usually spend about four hundred rupees every four months on rations, two hundred rupees on Id and about three thousand rupees on Haj. They have to renew their permits every six months and pay twelve rupees per head of cattle, six rupees per calf, three rupees per horse and ten annas for every goat. They manage to make a profit of two thousand rupees every year, which they save up in the State Bank at Dehra Doon, in spite of the heavy bribes they have to give. These are : 5 kg. of free milk and 2 kg. of free *ghee* to the Forest Guard, 3 kg. of free milk and 2 kg. of free *ghee* to the *Patwari* and 30 kg. of free milk and 16 kg. of free *ghee* to be distributed equally among the Range Officer, the Camp Clerk and the divisional Forest Officer.

Bhagu a forty year old *Sunni* Gujjar has to support a family of eight. Like the others he too moves up to Har-ki-doon in summer. He has fifteen buffaloes, two bullocks, two horses and ten goats. He gets about twenty kg. of milk per day. He sells the *ghee* made from the milk at eighteen rupees in the hills and twenty-five rupees at Saharanpur. Although he is no longer young, he is fit and the only illness his family has known is bronchitis. He spends about two hundred rupees per month on food in the hills and four hundred rupees on the plains. When he is short of money he never borrows from a

baniya but from a Gujjar because they charge no interest. Marriages are based on the principle of the exchange of girls between families. They cost from a thousand to two thousand rupees. Festivals cost another seven hundred rupees. He has eight quilts and three blankets. Most Gujjar families have a large number of quilts and blankets which they buy on the plains and use in the mountains.

When interviewed, the sixty year old Gujjar patriarch, Nur Mao was not as formidable as his booming voice would suggest. He supports a family of ten and owns twenty-two buffaloes. He gets five kg of milk per animal per day. Ten kg. of milk is necessary for extracting three-fourths of a kg. *ghee*. He spends about fifteen hundred rupees on cattle fodder every year. He has asthma but says that he looks forty while his thirty year old son looks older than himself. This kind of optimism is very typical of the Gujjars as a whole. Gujjar families are strongly patriarchal. A loud grunt from a father is enough to silence five grown-up sons. Similarly a loud snort or the grinding of teeth are other signals of paternal displeasure. Gujjars are easily disciplined and can put in sustained effort if provided with autocratic leadership. While Gujjars are docile when confronted by force greater than themselves (e.g. the Forest Department or the Patwari), they are great bullies of those weaker than themselves, (e.g. the Rajputs of the hills on whose pastures they encroach upon). They justify their docility by saying "Rishwat ka zamana hai" and their ferocity by saying "Hum to zamindar nahin hain." On the whole, they are a sturdy and independent lot. There is a remarkable freshness in their outlook on life, so much so that in the Fateh Parvat region they have been able to win the Forest Department on to their side (through bribes) in their struggle for pastures with the local Rajput landlords.

The Forest Department and the Gujjars

The Forest Department is omnipotent in these areas. Eight per cent of the Purola block is under forests and since

1952 the Forest Department has been authorised to restrict free grazing. Fees have been introduced and grazing has been kept to a minimum. The system of permits, licences and passes has grown up because of this. While the permit fees are not very heavy the inconvenience caused is out of all proportion. At the Naitwad Forest Rest House we witnessed the Divisional Forest Officer's 'Durbar'. A knot of elderly Gujjars had collected on the veranda. They took great care to say 'Namaste' instead of 'Salam Alaikum' to the D.F.O. They sat hunched on the veranda. All through and never once they looked the DFO directly in the face. All through the interview they were extremely deferential to him. The interview ended with the customary offerings of a 'dekchi' of *ghee* and five kg. of milk. The following table gives a list of grazing dues :

<i>Local People</i>	<i>Buffa- loes</i>	<i>Cows</i>	<i>Bulls</i>	<i>Horses/ Mules</i>	<i>Goats & Sheep</i>
	Rs.	Rs.	Rs.	Rs.	Rs.
Tehri Garhwal	4/8	2/4	1/8	—	-/4
Outsiders (Tehri Garhwal)					
Winter	6/-	1/8	1/8	1/8	—
Summer	12/-	3/-	3/-	3/-	-/10
Outsiders (Chakrata)	1/8	-/4	-/4	-/4	-/1
Gujjars					
New Rates	3/-	1/8	1/8	1/-	-/6
Old Rates	1/-	1/8	-/8	-/8	-/4

The Grazing non-Policy of the Forest Department

The object of imposing these dues is to restrict the destruction of forests and pastures. This object is often lost sight of when the permits are granted. Pastures should be grazed at the rate of two units per hectare. A sheep grazes one unit of pasture, a goat two units and a buffalo eight units. As Gujjars have only large herds of buffaloes they deny the

local inhabitants their right to graze their sheep on their own pastures. The economy of the higher reaches of the Purola block (Adhor Bharusau, Fateh Parvat, Satta-Doni) is primarily a pastoral one. Therefore, the presence of the Gujjars in these areas is a threat to the very livelihood of these people. This has generated a lot of friction between the Rajputs and the Gujjars and has led to several violent clashes and is likely to lead to much worse unless the situation is remedied at once. According to the settlement of 1930 made by the Revenue Department the lower meadow at Har-ki-doon was allotted to Osla and the higher meadow to Poani. As the only representative of the Revenue Department in this remote area is the corrupt *Patwari* the villagers are powerless in the face of a Gujjar-Forest Guard-*Patwari* combination. At present the two pastures have been allotted to the Gujjars by Forest Department.

At present the average number of cattle that graze in the forests are ;

<i>Agency</i>	<i>Buffaloes</i>	<i>Cows and Bulls</i>	<i>Horses & ponies</i>	<i>Sheep & Goats</i>
Local people	1437	17,257	101	32,154
Guzars etc.	1518	258	120	4,028
Outsiders	700	250	—	—
	<u>3,655</u>	<u>17,765</u>	<u>221</u>	<u>36,182</u>

When this table is compared with the following table which gives the maximum number of buffaloes etc. that can be allowed to be grazed (i.e. the total capacity of the forest) at the ideal rate of two units per hectare, it becomes obvious that the grazing 'policy' in these areas is self-defeating as it only leads to the degeneration of pastures instead of their regeneration.

<i>Range</i>	<i>Area in hectares</i>	<i>Area fit for buffaloes hectares</i>	<i>No. of buffaloes</i>
Kotigad	2300·62	662	153
Deota	164·71	88	22
Singtur	1187·78	497	124
Supin	15623·31	4189	<u>1045</u>
			1344

Thus, while the pasture capacity of the area is 1344 buffaloes, on an average, 3,655 buffaloes are grazed of which Gujjar buffalo alone number 1518. Such heavy grazing (a buffalo consumes eight units per hectare of pasture land) has led to a deterioration of the quantity and quality of the grass growing on these pastures. It has also resulted in yielding poor fodder and providing less protection to the soil. The Forest Department alone is responsible for the deterioration of the pastures as well as the deterioration of the relations between the Rajputs and the Gujjars. The decline of the pastoral economy of Adhor Bharasu is also the result of the non-policy of the Forest Department. The Forest Department not only exploits the nomadic Gujjars but it also exploits those Gujjar families or 'deras' which have decided to settle down for good in the forests of Saharanpur and take to dairy farming. Dairy farming and animal husbandry are two occupations in which Gujjars excel. If given ample opportunities for expansion they could easily supply the best milk and *ghee* in North India. A cooperative Dairy Farming Society could be formed in the Terai area to advantage. It could include all 'grounded' Gujjar families and their products could be bought directly by the government thus doing away with a whole host of middlemen, ranging from the Forest Department to the local *Banya*.

Koelpura, a Winter Encampment

There are at present three major encampments of 'grounded' Gujjars. The smallest is at Kedarnath, a much larger one is at Koalpura in the Terai and the largest is around Bijnor, which is practically on the plains. I visited the encampment at Koelpura. The encampment is about three miles deep in the forests of the Mothichur Range. It is connected to the main road by a jeepable track. It is in the midst of low hills and thick woods. There are about thirty-five conical shaped, thatched roofed dwellings with straw walls and floors of beaten earth. About eighty families (*deras*) reside there (roughly three hundred people) and the entire encampment has a barbed wire fence to keep out herds of marauding elephants and,

presumably, the Forest Department as well. The only pucca house on the outskirts of the encampment (a two-storied structure) belongs to the Forest Guard. The Gujjars of this settlement gave up their seasonal migrations about fifty years ago. The encampment has a dedicated resident school teacher sent by the *Adim Jati Sewak Sangh*. The teacher who has been there for a year and a half is very popular with the Gujjars but is barely on speaking terms with the Forest Guard. The children are coaxed to attend class by being given free biscuits and sweets. Hindi and not Urdu, is taught to them and a II standard scholar recited a poem to me about '*Bharat Ma*'. The Gujjar parents are keen on seeing their children educated and take to petty jobs in various Government Departments. They are slowly becoming aware of the fact that their children will be Muslims seeking employment in a largely Hindu market. In fact, the Gujjars of this settlement often wear white turbans of the Hindu kind instead of their Muslim caps and their vocabulary has a large number of 'sapasth' Hindi words. They justify all this by saying "Jaisa Desh Vaisa Vesh". One or two families of this settlement are still nomadic and while up in the mountains they don their Muslim caps and switch over to 'Hindu' turbans only in the Terai. One reason why the nomadic way of life appeals to them is because it is more profitable. A buffalo in the mountains yields double the quantity of milk it yields on the plains (eight kg. against three to four). However, the grounded Gujjars are quite content to remain where they are provided they are given land. Land would free them from the twin stranglehold of the *Banya* and the Forest Department. The Settlement's *Pradhan's* income is about Rs. 2,600 per month. Out of this nearly Rs. 1000 goes by way of bribes to the Forest Department for permission to stay on in the encampment and for permission to collect fodder. Every six months or so the Gujjars are threatened with eviction if they do not act according to the dictates of the Forest Department. Another Rs. 1000 goes to the *Banya* as payment for the necessities of life (e.g. grain, salt, sugar, etc.) and also as interest for sums borrowed for religious festivals.

and marriages. Government has issued ration cards to them but they are inadequate as one card is issued per family and Gujjar families are the traditional joint families. The Gujjars do not go to the Mothichur bazar to market their milk and *ghee*, instead local Hindu *Gwalas* come to them on bicycles with empty milk cans. They buy milk from them at two and a half rupees per kg. and make their own little profit too, for I saw one of them dip his can of milk in the river on the return trip. The Forest Department harasses them in another way too. It does not allow them to collect firewood or wood for construction unless bribed. If the Gujjars do not obey them their dwellings are often burnt down. The settlement at Koelpura was originally the temporary winter camp of a group of Gujjar families. Today it has become a permanent settlement. At present there are other temporary winter camps at Timli in the Dehra Doon Forest Division as well as at Mohand in the Siwalik Range and at Laldang and Gaurichilla in the Lansdowne Range.

Har-ki-Doon, a summer Encampment

The summer camp (May to October) of the Gujjars is very different from the winter camp (November to April). Our team visited the Gujjar summer camp at Har-ki-Doon. There were only two 'pucca' houses made of planks with a thatched roof. Other dwellings were teepee shaped shelters made out of leaves and sticks, which were plastered with mud to give them body. The Gujjars usually spread tarpaulins on the ground and the older men, often with flaming orange beards, bask in the sun. They use *Razais* as holsters. Every 'dera' has a fire going with a 'dekchi' of milk perpetually on the boil. This is normally for the Forest Department. Most of the young boys (aged between five and twelve) are disproportionately long-legged and they too, have broad thick feet, but they move with the animal grace of antelopes. The entire encampment smells of cows and buffaloes. The Gujjars, as also their quilts and conversation smell of cattle. The children are delightful. They are all bright-eyed and they gurgle with laughter. A seven year

old told me in all seriousness that he was married and that his wife was not with him because "Voh tho abi bachi hai".

Towards a Gujjar Policy

It is inadvisable to 'ground' Gujjars in their summer camps, although this has been done at Kedarnath. Their winter camps are much closer to the market and, therefore, they would, in the long run, reap greater benefits if they settle there. According to one suggestion, Gujjars in this area can be easily allotted land in the forests around Saharanpur and Nallonwala near Bijnor by the Forest Department. (3000 acres at Dhaula Thapar and 1000 acres at Buddaban near Saharanpur and 1000 acres near Nallonwala.)

The Sedentarization of the Gujjars

So far the government has not adopted a unified and scientific policy of sedentarization towards the Gujjars. This policy should be based on the experience gained by Iran and the Soviet Union in sedentarizing their own pastoral nomads. This paper suggests the following policy towards the Gujjars :

- (1) The traditional migratory pattern of the Gujjars should not be disturbed.
- (2) A thorough survey of their migratory routes as well as of the places where they stop en-route should be made. The summer and winter camps are naturally of especial interest.
- (3) In the initial stages, the services provided should move with the Gujjars. Mobile social services like schools, veterinary assistance for cattle, medical facilities etc. should be extended both in the winter and summer camps. The idea behind such a programme is to wean away the future generations of nomads through literacy and education to a settled way of life. The teachers attached to mobile school should be trained tribesmen.

- (4) Small villages along the migratory route can also be established by providing hospitals, schools, veterinary facilities etc. Village sites so selected should have arable land and pastures around.
- (5) The summer camps should also be provided with an infra structure. The winter camp should be a convertible permanent settlement.
- (6) The winter camp should be the focus of all governmental effort to sedentarize the Gujjars. Sedentarization should be done in two stages. In the first stage the Gujjar children should be compulsorily made to go to school. This would ensure that at least half the family stays behind during the summer as well. Gradually, fewer and fewer from the family would be tempted to trek to the summer camp. At this stage, the government should provide so many benefits at the winter camp that the Gujjars see the advantage of staying behind. State Trading Stations, on the Soviet model, should be set up, which provide them with consumer goods, live stock requirements, and purchase live stock produce, thereby eliminating the middlemen and the usurer. Side by side agricultural cooperatives can also be set up, which can aid them in the form of cash credit and the joint purchase of agricultural equipment and live stock. The winter camp should naturally also have medical and veterinary centres as well. This kind of an 'intensive' treatment for four or five years should be enough to make the Gujjars adopt a settled way of life.
- (7) The next step should be the organisation of collective farms. The Gujjars have a strong *esprit de corps*. This should be taken advantage of. The farms would provide the Gujjars with the necessities of life which they would ordinarily have had to buy from the *banya*. This should be supplemented by 'transhumance' farming. Today, in Iran and the Soviet Union, in order

to exploit the natural mountain pastures, shepherds and cowherds equipped with full protective facilities both for person and livestock are sent out. Their families, however, stay behind in the farms. These cowherds and shepherds, work in shifts as planned by the state. A cooperative Dairy should be set up at the winter camp. Modern methods of dairying should be introduced. I am sure the Gujjars would do very well in this line.

Between 1956 and 1959 three high-powered Gujjar conferences were held at Chamba and Pathankot. A Gujjar Tribal Welfare Committee was formed to protect the interests of the Gujjars. In Himachal Pradesh they were declared a Scheduled Tribe in 1965, but in U.P., for some strange reason, they were excluded from the list of Scheduled Tribes in 1950.

Conclusion

- (1) Change is inevitable. If the government does not assume the responsibility of protecting and aiding the Gujjars the Forest Department and forest contractors will reduce them to a state of total servility.
- (2) Nomadism as a way of life is resorted to under the compulsions of ecological and economic conditions. As such, the entire way of life and the social structure is attuned and harmonised to nomadism.
- (3) It is possible, by using scientific methods, social and economic organisations, to provide the Gujjars a comfortable and settled life in consonance with their economic pursuits and cultural values (e.g. Dairy cooperatives like 'Amul' in Gujarat).
- (4) There is no psychological barrier to sedentarization. In both Iran and Russia, the nomads were like the Gujjars (i.e. pastoral stock breeders). Yet, today they have been sedentarized to advantage both to themselves and to the State. The same can, therefore, be achieved in India. The psychological conversion should

be gradual and be based on persuasion and not on compulsion. This would make the change in their way of life permanent. A rushed conversion, based on compulsion, would result in distorted and half-hearted change. In Iran, for example, some nomads, in spite of education and wealth, still make seasonal trips from summer camp to winter camp in flashy sports cars.

- (5) The Gujjars are not as poor as the Harijans. They do not have a defeatist attitude to life. They already have a 'threshold income' and with a little help they should do very well. This is mainly because they are an enterprising and sturdy lot.
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CHAPTER FOUR

EXPLOITATION IN A FATEH PARVAT VILLAGE

This paper which seeks to highlight the pattern of exploitation in a particular village community, started off as an attempt to analyse the agrarian structure. However, the processes whereby exploitation takes place in such a village embrace not only the economic mechanism but also are bound up with certain traditional cultural, social and political phenomena. The existing social and economic stratification, that is the product of history, is supported by custom, which in turn get support from religion which results in a situation where the really underprivileged do not question their plight but look upon it as their fate. And so the paper attempts to incorporate the social, economic, political and even behavioural processes whereby exploitation comes to be virtually institutionalised in a village community. The theme underlying this paper is that any developmental measures which are to be undertaken in this area must first contend with the existing form of exploitation and remove it in order to be successful.

This paper is written on the basis of observations made by a team of two, during the course of a three week stay in Naitwar village. Naitwar is a part of the Fateh Parvat region of Purola Block in Uttarkashi district. The Fateh Parvat region forms the most backward and long neglected part of Purola Block. In some respects it can be referred to as a throw-back to the Mahabharata age because for a majority of the people in this area the mythological heroes of the epic represent concrete reality around which their lives revolve. The terrain for the most part is extremely inhospitable and travelling a pretty hazardous venture. It is made more so by the fact that there is no motorable road in the Fateh Parvat and one has to take recourse to bridlepaths, cross numerous streams and wade through occasional paddy fields in order to go from one village

to another. The absence of a motorable road of course has implications much more significant than the personal discomfort experienced by a team of city-dwellers : it means the virtual isolation of the area from the process which the rest of the Block is undergoing.

Naitwar, which lies at the height of about 4,500 feet above sea level is more fortunate in some respects than the interior of Fateh Parvat. It is only about 10 km from Mori, which is the point till which a jeepable fair weather road has been built. Besides considerable progress has been made on the extension of this road till Naitwar. Naitwar itself stands at the point where the rivers Rupin and Supin come together to form the Tons river. Out of a total population of 181 in the village, 65 are Harijans. Most of the people, to be exact 86, are engaged in cultivation of land. But agriculture in this area is not very remunerative. First of all due to the terrain and slope of land, cultivation has to be carried on in small, narrow strips which are scattered over a fairly large area. Besides, the techniques of production are at a very low level. The instruments of production are simple and inexpensive viz., ploughs, spades sickle, axe, etc. Therefore, the acts of production with these tools are largely individual in character. Coupled with the lack of irrigation facilities, this leads to the production of mostly use values i.e. for the immediate consumption needs of the households and not predominantly for the market. This implies that the market, without necessarily being absent, is of a very limited extent and mainly local in character. It plays no significant role in determining the mode of production. Thus most cultivators in Naitwar concentrate on the production of a coarse variety of foodgrains, a large portion of which they consume themselves. A very large portion of the total labour force is tied up in producing a very low agricultural output.

The institutions related to landownership and tenure provide the foundation for the pattern of exploitation. Most of the cultivable land of the village is owned by Rajput landowners.

Whereas none of the Rajput landowners owns less than 1 acre, and a majority own about 10 acres of land each, there is only one Harijan who owns more than one acre. There are another five Harijans who own upto one-half acre of land each which they can't possibly cultivate; not only because the holding is uneconomical but because they don't have the necessary working capital. The rest of the Harijan households have no land at all.

This lopsided structure of landownership obviously reflects itself in the class structure of Naitwar. The dominant class is that of Rajput landowners, who as shown above, own most of the cultivable land. As opposed to the Rajputs, there is a class of poor and underprivileged who can be dubbed the semi-proletariat. (The proletariat is a class found in a capitalist set-up, where it is free to sell its labour-power. But in the existing set-up in Naitwar, the semi-proletariat is not free to sell its labour except in the legal sense of the term, for reasons given below).

The semi-proletariat mainly comprises of Harijan households, some of whom own cultivable land, some of whom lease land on crop-sharing basis but most of whom are depressed artisans (professional carpenters, black-smiths, potters, etc.) and the landless agricultural workers. Quite a large part of the semi-proletariat does not engage in any form of work at all, or in any case not in productive work. Thus the village economic structure is characterised by a very low level of development of social division of labour coupled with massive under-employment.

The implications of this for the semi-proletariat households are that almost all such households are deficit. Their bare minimum consumption expenditures exceed their incomes. This forces them to take consumption loans in cash or in the form of foodgrains from the landowners at usurious rates of interest. In Naitwar, the *Pradhan*, who with his brothers owned about 20 acres of land, was giving consumption loans to the Harijans

at an interest rate of 25% per annum with another $6\frac{1}{4}\%$ deducted from the loan as an initial commission for "Gaanth-Khulai" (literary, for opening the knot of the piece of cloth in which he keeps his money). Given their economic weakness the semi-proletariat cannot even pay the interest in full, leave aside the principal.

In fact, the landowner-moneylenders do not insist on full payment even in the long run—they use the debt obligation to force upon the semi-proletariat a system of unequal exchanges, thereby deriving enormous economic benefits and socio-political power.

The debt mechanism operates to the disadvantage of the semi-proletariat in the following ways :

(i) it may lead to the alienation of the debtor's land and its acquisition by the landowner-moneylender ;

(ii) it may lead to a reduction in the tenant's share of the produce in case he had taken a lease of land on the basis of crop-sharing ;

(iii) it may lead to the utilisation of the debtor's labour-power by the moneylender. Most often this takes the form of bonded labour, wherein a landless labourer or an unemployed artisan work on the landowner's land in lieu of interest payment on the sum they had borrowed.

(iv) in extreme cases the debt may force the debtor to send his wife or daughter to the city for the purposes of prostitution. This is actively connived at by the landowner-moneylender and has the silent acquiescence of the local officials. (In almost all cases the unfortunate girls, who had returned to the villages and who were interviewed, belonged to those Harijan households which were sunk in debt for over a number of years).

The resort to trafficking in women is growing because, as things stand, the semi-proletariat has no more land which it can alienate ; share-cropping is not widely prevalent because the semi-proletariat has no working capital to invest in land and

the use of the debtor's labour-power as bonded labour has only limited appeal given the fact that most of the holdings are not too large and can be cultivated by an average family of landowners themselves. In fact some of the semi-proletariat households in the village had entered into a bonded labour relationship deliberately, for this at least ensured some means of livelihood. (The relationship between the debtor and the landowner-moneylender often assumes the feudal pattern of the master-serf relationship, whereby the master also has some sort of an obligation towards the serf i.e., it is not an impersonal contractual relationship into which a wage labourer enters).

Thus in a Fateh Parvat village, poverty is the dominant pattern in social relationships. Poverty breeds inequality and at the very low economic levels which obtain in a Fateh Parvat village a stronger need is felt for maintaining social distinctions of all sorts. As a result there is not only economic inequality relating to differences in wealth and income but also social inequality which relates to status differences, and which coupled with an extreme lack of social mobility severely hampers the possibility of some groups competing with others.

Social and economic inequality in Naitwar provides certain convenient sources of extra-economic coercion to the dominant landowning class. One such source of extra-economic coercion is the caste system which operates with particular severity in this region as a whole. Society is conveniently divided into two broad castes viz., the *Savarna* and *Harijans*. The *Harijans* are discriminated against in a most blatant manner. For instance the *Bajgis*, who are traditional temple musicians are not allowed entry into the temple itself. Again, at a 'Mela' held in Naitwar, the *Rajputs* who were cooking the 'Prasad' abandoned the 'Prasad' and went away with the idol of the diety when the shadow of one *Bajgi* fell on the cooking pot.

This sort of discrimination is reinforced by the existing religious practices. The religion of the Fateh Parvat populace is a ritualized, stratified complex of highly emotional beliefs

and valuations that give the sanction of sacredness and immutability to inherited institutional arrangements and attitudes. It is heavily overlaid by superstition, irrational taboos and prescriptions. An instance of how religious beliefs are used as an instrument of extra-economic coercion is provided by one of the Bajgis plight; even though he owns cultivable land he does not go in for cultivation (which is his only source of income) because the local 'devta' who descends upon one or two persons—'Maalis'—in the village, had ordained that no Bajgi should undertake the cultivation of land. On enquiry it was discovered that the 'Maali' on whom the 'devta' descended was a Rajput and the Bajgi's fields had been taken over for cultivation by a relative of the 'Maali', without anything being paid to the Bajgi, as compensation. This blind faith in the decisions of the 'Maali' has led to situation whereby all the Bajgis in the village are content to live off the charity of the Rajput landowner than work on fields. Furthermore, some of the Bajgis who are skilled tailors or basket-weavers, have their services utilised free by the landowners. Thus religion acts as a force for social inertia, supporting social and economic inequality that is inherited.

In these circumstances political power also becomes a significant source of extra-economic coercion. It would be perfectly valid to state that the *panchayati raj* and the local self government institutions have not enabled the majority of the poor people to grasp and organise themselves for utilising political power. These institutions, in the absence of pressure from below, have helped to preserve the inequalitarian social and economic stratification. Individuals from the ruling landowning class use their political position to reinforce their authority over the semi-proletariat. In Naitwar for instance, the *Pradhan* of the *Sabha* is required to maintain a register showing the distribution of 10 cubic feet of wood which the Forest Department allows free to every household for purposes of construction and repair of houses. As things stand the *Pradhan* acquires the wood but does not provide it

to the Harijans, whose houses are dilapidated and with roofs of decayed woods. This wood is utilised by the *Pradhan's* family or other members of the landowning class. Neither the Forest Department nor the *Panchayat* Secretary have bothered to enquire about the register which the *Pradhan* is required to maintain.

Here it would be necessary to point out that the impact of whatever investment the Government has undertaken in this area has been to reinforce the existing structure of exploitation. Invariably labour intensive works like road construction and timber-cutting in the forests have done nothing at all to reduce the semi-proletariat dependence on the landowning class—they have failed to provide opportunities for sustained employment. The Government has been content to let the contractors, who undertake these works, employ labour from the plains and outside rather than ensure the employment of the local populace which is so grossly underutilised. In this context, it needs be pointed out that in most cases the contractors prefer to get labour from outside, even though it is unskilled, because it is easier to exploit a man who is not on his own ground. As an instance one can point to the practice which the contractors resort to in collusion with the staff of the Supply Department and the local shop-keeper. The Government has sought to provide foodgrains at controlled rates to the local populace, through a system of licensed fair-price shops. (In order to ensure the sale at a fixed price the government subsidises the transport of foodgrains etc.). However, what happens is that the contractor obtains these rations at a price slightly above the controlled price (allowing a margin for the shopkeeper and the Supply Department Staff) and distributes it amongst the labour force at the market price, in lieu of wages. This not only implies the exploitation of the contractor's labour force but also entails the exploitation of the local semi-proletariat who are in prime need of foodgrains at controlled prices. Since the local Harijans are illiterate, ignorant and above all compliant it is not difficult to get them to affix their thumb impressions on to

a document which shows that they have received their quota of rations.

In effect, even though the ideology behind local self-government and other government programmes etc. is egalitarian, the logic of the existing inegalitarian social, economic and political stratification in the village has meant that they have had the opposite effect. This probably is an adequate commentary on programmes which seek to improve the conditions without disturbing the structure.

In all these processes which together go to create an exploitative situation, the role of the administrative machinery at the village level is crucial. The local administration, whether revenue, developmental or forest, aligns itself all too easily with the local elite. To some extent this may be due to the fact that the local officials have the same economic and social position as the upper-classes in the village. But to a large extent the attitudes and the behaviour of the local officials is governed by the fact that the area is remote, inaccessible and therefore not really subject to close supervision by the Headquarters staff. Thus the local *patwari*, *gram sewak* and the forest ranger feel free to indulge in any kind of activity they care for.

The *patwari* aligns himself with local landowning class in such a way that the land records are manipulated in their favour e.g., he fails to record that a Harijan has been cultivating a particular field as a tenant, over a number of years, so that he may not lay claim to the land.

Similarly, the *gram sewak* distributes all the improved varieties of agricultural inputs in such a manner that the benefit invariably accrues to the Rajput landowners. In Naitwar, the plot chosen for purposes of demonstration of an improved variety of wheat seeds, belonged predictably enough to the biggest land owner in the village.

In this respect, perhaps, the local functionaries of the

Forest Department have the largest amount of sway over villagers. This is so because the forests (area under forests forms 88.18% of the total area of Purola Block) have such an important role to play in the villagers' life. An instance has already been given of how the village *Pradhan* discriminates against the Harijans in the matter of distribution of wood, with the acquiescence of the Forest Department. The officials of the forest department also actively harass the lower classes who depend on the forests for firewood, cane (for basket-weaving).

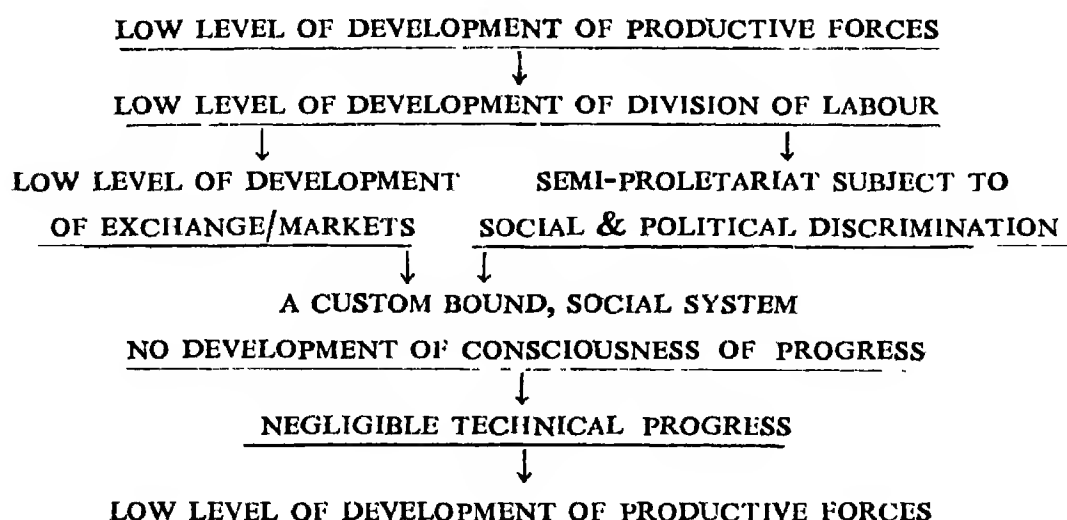
All in all the administration as it functions at the village level is corrupt and discriminatory. At best it helps to maintain the status-quo, at its worst it actively reinforces the exploitative structure in the village. Therefore it is hardly surprising that the folk songs of the area relate mainly to the tyranny of the *patwari*.

It should now be possible to delineate the repercussions this pattern of exploitation has on the exploited. The poor suffer from undernutrition, malnutrition and lack of elementary health and sanitary facilities. Coupled with terrible housing conditions, these physiological factors impair the willingness and the ability of the Harijans to work. Therefore naturally, the *patwari* can disdainfully claim that these people are in such wretched circumstances because they do not want to work.

Perhaps the deepest scar which a system of exploitation and discrimination leaves is on the minds of both the exploiter and the exploited. The behaviour pattern of the Harijans in Naitwar showed how years of oppression had left their mark on their attitudes towards life. One Bajgi compared his lot to that of an animal without any puzzlement as to why it should be so. In fact the apathy, the listlessness, the fear in the minds of the Harijans were quite overwhelming. Questioned about their debt position, most Bajgis looked over their shoulders to reassure themselves that no one was listening to

their answers. Perhaps what is most tragic in terms of human potentialities is the utter lack of ambition in these people, the total absence of any consciousness as to the exploitation which they are suffering. A socially inert community follows as a natural corollary. There is a strong tendency for the whole life of such a society to be oriented towards custom and tradition, and this is precisely what we found in Naitwar.

In the light of all these factors it becomes possible to think of a model of a 'closed' society, on the following lines :



With such a model in mind it is apparent that developmental planning must take into account measures which would first aim to end this exploitative structure. In view of the fact that the poor in this area are unable to perceive their common interests, let alone to organise and fight for these interests, it becomes clear that increasing the demand for labour on creating opportunities for productive employment will by itself not lead to a better labour utilisation. These measures have to be supplemented by other equally important attempts directed towards changing attitudes and institutions.

CHAPTER FIVE

'FROM THE GREEN HILLS OF PUROLA TO THE BROTHELS OF DELHI AND MEERUT'

*A Study of the Immoral Trafficking in Women from the Purola
Block of Uttarkashi district (U.P.)*

Purola tehsil in the Uttarkashi hill district of Uttar Pradesh is the last stronghold of the heroes of the Mahabharata. Here among its valleys, along the Kamal river, and in the higher reaches of the mountains, men and women dance to ancient tunes, in memory of Arjuna, Bhima and the other Pandavas. Purola might truly be said to live in a mythological state of history. And here among the hills, where gods and heroes sport with mere men, is the setting for the most horrendous form of human exploitation conceivable. For it is from this region that innocent Harijan women are sold into prostitution in the plains often times when they are but on the fringes of girlhood.

Of all the tehsils of Uttarkhand, Purola is worst 'afflicted with the evils of immoral trafficking in women. It is therefore our endeavour to try and trace the circumstances and the stages, which carry a young girl from the green fields of Purola, into the satanic brothels in the plains below.

To understand the problem of trafficking better, it is worth making a few background comments.

First, that Purola is a part of the ancient *Riyasat* of Tehri Garhwal...And to that extent its social structure and traditions have come down to the present generation, almost totally un-influenced by the movements of democracy and freedom in other parts of India.

Secondly, that Purola is almost inaccessible in its interior regions. A motorable road goes only upto Purola itself.

Beyond this the administrative machinery functions only through long treks through narrow, tortuous, and often-time mountainous bridle paths.

Thirdly, that in the Purola tehsil, almost the whole interior region is policed by *Patwaris*. The *Patwaris* form the revenue police which rules over the interior villages with absolute authority.

Fourthly, that government, its laws and regulations, are visible only in shadowy forms. Years pass before the District Magistrate of Uttarkashi ever visits outlying areas like Purola. In such a situation society lives on, following traditional patterns; traditions which are irrelevant, and in some cases traditions which are wicked.

Thus government and society live separately. Government have almost no impact on society. With this background it is not difficult to understand how women are taken down to the plains for prostitution.

It will be a special burden of this paper to show how this trade in women is inextricably linked up with the problem of bonded labour and rural indebtedness among the Harijan Community.

The fundamental question arises at first as to the history of immoral trafficking in women from the Purola region. It is of the greatest importance to know when exactly did this problem arise? And when did it become as acute as it is today. Regarding the history of this trade there are two theories. First the theory held by Dr. H. R. Trivedi of the Department of Social Welfare, Govt. of India, New Delhi. And secondly, by Shri Bahukhandi, formerly the Sub-Divisional Magistrate of Purola.

From his research, Dr. Trivedi has come to the conclusion that immoral trafficking in women has been going on from this region since time immemorial. According to him, even in the days of the princes of Tehri Garhwal girls used to go down to

the plains for prostitution. At that time, local contractors, timber-merchants, officers of the court, landed nobility—the *Thokdars*, and members of the princely family itself, were the chief promoters of prostitution amongst Harijan women.

And yet it must be noted that the Tehri Garhwal durbar had passed strict laws to end prostitution in this area. From 1935 onwards, any women indulging in prostitution, or any person promoting the trade could be fined upto Rs. 500, or receive six years imprisonment, or be punished with both. Besides this, every *patwari* was required to maintain a comprehensive register about the activities of men and women involved in prostitution.

However, we suggest that these regulations could never have been taken seriously by an administrative structure, consisting as it did, of princes and feudal lords, many of whom were debauchees and themselves steeped in immorality.

Shri Bahukhandi did pioneering work in making a survey of the trade of immoral trafficking in the Purola tehsil. His views are of special relevance as he himself was the Sub-Divisional Magistrate of Purola at the time. Shri Bahukhandi made ceaseless efforts to stop this evil trade in women. His success may be gauged from the fact that, he alone was able to recover and in some cases even rehabilitate around fifty girls from brothels in the plains.

According to Shri Bahukhandi, the history of trafficking in women from the Rawain area is not very old. At best it goes back to sixty years. An important pointer in fixing this date is the absence of any mention of this glaring social evil in Atkinson's Himalayan Gazetteer. This Gazetteer which was written in the middle of the 19th century, is otherwise a compendium of even the most obscure details regarding life and society in the Tehri Garhwal *Riyasat*.

According to Shri Bahukhandi, the first women from Purola, to leave her village and enter into prostitution, did so in the

year 1915 when she moved to Simla, then the summer capital of India. In the 1930's a number of prostitutes belonging to the Rawain, Jaunpur and Chakrata regions, went to Lahore to ply their trade.

An evidence of this movement to Lahore was discovered by me in Delhi. I was able to interview Gangi, a prostitute from Purola who had worked in a Lahore brothel. She had moved to Delhi after partition in 1947.

Organised export on a large scale of girls from the Purola area started after 1940. This movement received even greater impetus after 1947 as the area slowly opened up to a new set of officials and traders.

Shri Bahukhandi makes the point that while Rawain society might always have allowed promiscuous sexual behaviour, commercialised prostitution itself is a recent phenomenon, one that dates back no further, than to half a century.

Shri Bahukhandi has also pointed out that with the building of roads and markets, and with the advance of government offices into the Purola tehsil, there is a definite tendency on the part of unscrupulous men, to start centres of prostitution around these markets. Such fleshpots have already been started in Barkot, Purola and Damta.

It must be noted that our survey in the Purola tehsil was not a comprehensive one. We were not able to interview more than 12 prostitutes who were contacted in their villages and interviewed in their homes. Thus at best, ours is a sample survey.

It might also be worth referring to a similar survey conducted in 1969 if only to see how conditions have disimproved or changed in the last five years.

The survey conducted by 1969 revealed that 45 women from Purola had gone in for prostitution in that particular year. The

survey revealed also that with the exception of one Rajput girl and another girl from the Muslim community, all the other women who had gone down to the plains for this purpose were from the Harijan community. It was estimated further, that about five hundred families approximately were the victims of this profession on account of extreme poverty.

This survey revealed also that a large number of girls do not continue in the profession for more than five years. 41% of the girls, in fact, it was found, returned to their homes after remaining in the profession for a limited period of three years only.

This more or less substantiates and confirms our own survey. It is quite clear that most of the girls, then as now, were taken into prostitution by their own husbands, fathers and brothers. Then also the object was to earn freedom for the men of the family from the local money lender. Ironically, in several cases, men got into debt while buying their wives. And later these very brides were sent into prostitution to earn their husbands release. This confirms to a great extent the hypothesis that prostitution from this region is linked up inextricably with the prevalent system of bonded labour.

The survey revealed also that over 60% of the girls from the Rawain area were operating in brothels in Delhi. At that time 77 agents were engaged in procuring women for prostitution from the Purola region. According to the survey only four percent. of the agents were from the *Savarn Jati* (Upper Caste), while the rest were Harijans. Though our survey team could not compute figures with any degree of exactitude, it appears from our conversations with several local men and women, that the percentage of upper caste agents must have been much higher. This is certainly the case today.

While conducting our survey we quickly realised that choosing reliable informants was a very risky proposition. In a few instances men whom we thought to be reliable turned out

to have been themselves involved in the trafficking business. Against one of our earlier informants at least a case in this regard was registered in the court of the Sub-Divisional Magistrate, Purola.

With this background it is more meaningful to construct a reasonably accurate picture concerning the circumstances in which a young Harijan girl is taken from her parental home in the village to the brothels of Delhi or Meerut. What follows might be taken as a plausible typology.

A young girl of fifteen belonging to the Bajgi caste of landless Harijans is married off to a Bajgi man in a neighbouring village. The girl's father receives Rs. 2,000 as bride price from the girl's husband.

The husband then takes the girl home to his village, and puts her to work on a strip of land belonging to the local Rajput money lender, to whom he is indebted. In a few rare cases, the girl might be put to work on land that her husband himself possesses.

The girl's husband is deeply indebted to the village *Pradhan* or to the *Malguzar*. He had incurred this debt because he had to raise Rs. 2,000 to buy himself a wife. The rate of interest in this region is around 31%. Thus this Harijan man, in all his ignorance, works on the money-lender's land along with his bride : in what might most accurately be termed as bonded labour. Thus a few years pass in which this harijan couple sinks deeper and deeper into penury. Year after year they labour on the Rajput moneylender's land only to pay the interest. Eventually a time is reached when the Harijan husband is in an extremely vulnerable position, he has no fighting power left ; thus the moneylender will now bargain with him as this is the time when he is most 'amenable to reason'.

One fine morning the Rajput arrives, demands his capital sum and being unable to get it puts an idea into the Harijan husband's head. It is suggested to the helpless Harijan, that if his young bride were to be sent down to the plains for an

year or so, she might be able to effortlessly free her family from the debt. The husband agrees. The wife has no say in the matter. Within a few weeks the whole transaction is arranged.

The Rajput, accompanied by his Harijan serf, takes the young girl to a village fair or to some other crowded place when the girl is approved by the agent.

Within days of this viewing, the husband and wife, in the company of the agent, travel by bus to Delhi.

At the Damta checkpoint a police constable enters the bus for checking. The girl who has been well prepared and prompted, declares that she and her husband are proceeding to Haridwar for a religious dip in the Ganges.

In Delhi the girl is sold to a brothel keeper for Rs. 3,000. The husband is given Rs. 2,000. The agent and the Rajput moneylender divide the rest of the money. Thus everyone seemingly has gained, the Rajput, the husband and indeed the agent; the young bride is thus put into the business of prostitution.

From time to time the girl's relative visits the brothel to collect her earnings. Of course this all depends upon the method by which the sale of the girl has been arranged. In the rare instance in which a girl has tried to withhold her earnings from the family, immediately a case is registered against her by one of the family members and she is sent back to her village or even worse to a *Nari Niketan*.

Another fairly common *modus operandi* in the Purola tehsil is as follows :

Jodh Singh, a Rajput by caste goes to a poor Harijan family. He marries one of the daughters and pays a bride-price of Rs. 1,500.

Similarly Jodh Singh goes also to two other homes of poor Harijan families. Once again he contracts two more marriages after paying the traditional bride-price.

As far as the parents are concerned, and they have no fighting power in any case, they have legally married their daughters off. The bride-price in their possession is proof positive of this transaction.

Jodh Singh now takes his three wives to Delhi, after keeping them in his house for a brief period. All three girls are sold into brothels on G.B. Road, Delhi. Jodh Singh returns home, richer by 4 or 5 thousand rupees.

In some cases brothel-keepers in Delhi use girls from Purola, who are already in the prostitution trade, to entice their sisters or cousins into the brothels as new entrants. Sometimes this is done by what has been termed as the demonstration effect. Girls who are already in the trade are sent home for a vacation. They are sometimes accompanied by an agent who hovers in the background. These city-returned girls now dress up in clean colourful clothes. They wake up late, long after their sisters have begun their daily chores. They spend the day talking about the pleasures of city life. In the evenings they stand liquor to everyone and then insist on cooking a goat. All this is done at their own expense. After a few days of merry making these women manage to convince a few young village girls to leave their hard drudgery behind and to accompany them to Delhi on a short visit.

A very interesting aspect of this demonstration effect is that, in certain villages, it has got the Pandit and Rajput community very worried. In the vicinity of THADDIYAR village a young Rajput girl, Devindri by name, left her home and hearth claiming that she was tired of her daily drudgery. Thus in some villages at least our team encountered elders of the upper castes who were utterly horror stricken at the prospect of their own wives and daughters deserting them for the pleasures of city life.

The religious influence of gods and goddesses is excessively great in this area. It is therefore interesting to see the interaction between religious influences and a society which so readily accepts prostitution among women.

It is true that while the *Devadasi* system does not exist in the Purola region, yet there are several castes of Harijans whose only profession in life is the welfare of the deity. The Bajgi caste which spends its entire life time in playing music to the glory of the *devta* is also closely connected with the temple ritual. There does seem to be some connection between this caste, its occupation in the temple precincts, and the number of women from within its ranks who enter into the trade of prostitution. Our sub-team which conducted its survey from Osla came across a few cases where Bajgi women had returned from the plains after spending a few years in a brothel. My visit to HANOL revealed a whole Bajgi village in which all 13 households were involved in prostitution. The fourteenth household of the village belonged to the Pandit who is the guardian of the famous temple of the *MAHASU DEVTA*.

It is therefore tentatively suggested that women from certain castes, especially those castes which are close to the administration of the temple are more susceptible to prostitution than other castes in the area. The social manners of the day are not offended by prostitution. Neither is there any religious sanction against it. Keeping in mind the opportunities presented for sexual licence during the tour of the *Devtas*, it might not be too far wrong to suggest, that the loose morality among certain castes of Harijan women, stems from the temple ritual itself.

A thorough study of the entire vicious circle which permits immoral trafficking in women from the Purola block, reveals the following causes as fundamental in understanding the dynamics of the trade. The chief factor which allows and perpetuates prostitution among Harijan women is their utter poverty. The families of these women are mostly landless,

the men of these families are almost, in 75% of the cases, bonded for life to an upper caste money lender. The father, the brother and the husband of almost any Harijan girl, works on the land of a Rajput money lender. There is complete economic dependence upon the landlord.

Harijan families are invariably in debt to upper caste rural gentry. Besides the absurd practice of giving or receiving a bride-price there are some other factors that lead a Harijan family into debt. The social ethos of the villages make it almost obligatory for a Harijan family to spend relatively large sums of money on religious ceremonies. Harijans spend well beyond their means. They, of all castes are most lavish and extravagant at times of entertainment. All these practices lead a Harijan family into debt. Without exception, debt leads Harijans into bonded labour. This in turn brings about a situation in which they have to send their women into prostitution. It cannot be emphasised enough, that the economic structure of a village does not permit the Harijan any position except the very lowest. The central factor in this circle of vice, is that the Harijan does not possess land. Without this land he is totally defenceless.

It must also be mentioned that centuries of wretchedness have taken the fight out of the Harijan family.

A Harijan family is psychologically so depressed and so uncertain of its own social condition, that it makes no attempts to fight prostitution of its women as a social evil. Such men and women cannot afford to examine the morality of their actions. For them all issues have resolved themselves into an economic battle for survival. Thus we have to admit the fallacy of accusing Harijans, who send their women into trafficking, of lacking self-respect. Such a concept does not exist in the minds of humans who have been kept as only half-men for centuries.

For the rare Harijan male who wants to take a stand and keep his wife at home, the sinister shadow of the Rajput *Patwari* and the Rajput *Pradhan* takes all the fight out of him.

There are also certain sociological susceptibilities which make for prostitution among Harijan women.

Many Harijan families in Purola villages, still live in polyandrous families. This system of Polyandry may be originally derived from the Mahabharata, its *raison d'être* might be said to be a closely-knit family, but hard scrutiny reveals that a Harijan male cannot afford the luxury of one wife to himself.

It is poverty above all that disallows a Harijan male from marrying and maintaining a wife for himself. As opposed to this, upper caste villagers indulge in the system of Polyandry which permits them to have a wife working on the fields, while another wife keeps home and hearth. It is suggested that the system of Polyandry is in direct opposition to the ideal of the Hindu wife as being a *Pativrata*. In a situation wherein one woman has to serve four or five husbands, the concept of modesty cannot be sustained. From five husbands to six or seven other men is not a difficult transition. This is particularly easy when large sums of money smoothen out any qualms which might arise.

It is suggested that some of the social habits of Harijan families in this area, encourage sexual licence and liberty. The system whereby all members of one family sleep in the nude without any lights, under a single coverlet after imbibing liquor makes for a situation in which concupiscent behaviour is common. But here again, the qualification must be made, that each of these habits is linked to the utter penury of Harijan families. Sleeping in one room, under one quilt is a compulsion which cannot be avoided in a situation where there is no alternative.

Amongst Harijans, social intercourse is free and friendly between males and females. It is quite common for girls to have affairs even when they return to their parental village for a vocation.

At fairs and festivals women drink freely and dance arm in arm with men of their caste. They are not at all inhibited in their behaviour with the male sex.

It might well be held that one of the factors of considerable importance is that among the Harijan community in the Purola region there is almost no social ostracism attached to a girl who has returned from the plains from a brothel. Economic wretchedness has produced a philosophy of fatalism which refers to prostitution very matter-of-factly as *Pesha Me Jana*, literally to go into business.

It has been suggested by some scholars that Harijan women in this area have no real emotional attachment to one husband and to one home. To substantiate this line of argument the researchers point to the ideal of the *Sat Ghariya* or literally, the woman who has been divorced and remarried seven times, having gained expertise by crossing seven different thresholds. While it is true that the system of effortless divorce, the *CHCHOOT Pratha* prevails in this region, it is incorrect to say that a system in which divorce is common leads to commercialised prostitution. It has to be emphasised continuously that prostitution stems out of the economic structure of a Purola village in which a Harijan family has at best a chance of mere survival on the lowest level possible.

A general reference must also be made to the very low position of women in the social structure of these hills. It is true that because of their beauty and their willingness to labour ceaselessly, both in the fields and in the home, women really are an economic entity to be reckoned with. They have a seller's market. And despite this they have no say in their future. Once they are bought or sold they work obediently for their master. And thus it has become an accepted social practice that whenever a Harijan family is in economic hardship, they seek to send their women into prostitution.

In some areas, a study team previous to ours noticed the

peculiar phenomenon in which industrialisation having dislodged a few Harijan families from their traditional occupation pattern led them into bonded labour and eventually into prostituting their women. In some cases at least while a *Lohar* (Blacksmith) had suffered because of *Tata*, a *Chamar* had been displaced by *Bata*. This is true only in areas around the new Purola road and to a limited extent even there.

In some cases Harijan women are taken into prostitution by upper class men who form a powerful rural interest in the area. While surveying this area our team came across a couple of cases in which well placed men of the *Savarna Jati*, using their caste as a respectable facade from behind which to operate, actually prostituted Harijan girls and lived on their earnings. The following case is outlined below to illustrate this phenomenon.

MAYA RAM, a *Pandit* by caste and *Sarpanch* of Kuan village on the DAMTA NAOGAON road, has been controlling a scheduled caste girl, PAANOO by name for the last fifteen years. Maya Ram has sold Paanoo into prostitution on four separate occasions. Each time he collects the bride-price from the man to whom he sells the girl. The whole transaction is called a marriage in each case. Another case of an educated Pandit indulging in trafficking of women was disclosed to our team by the station house officer of Barkot. It seems that on the 27th of July, 1974, a teacher in the government Inter College at Purola, one PREM DUTTA SHARMA by name, took Shyamadei, a 27 year old Harijan girl into trafficking via Dehradun to Delhi. Shyamadei had already prostituted her way to economic freedom, having already worked in a Meerut brothel for five years. For the last two years she was living at home, trying to adjust back into prostitution

A trip to Thaddiyar revealed yet another case where a local school teacher is concerned in the trade of immoral trafficking.

Since the Purola tehsil is mostly under forests, to the extent of 88% of its total land area, the forest department here is a

very powerful force. At Thaddiyar we came across the peculiar phenomenon in which the local forest officials have settled a few poor Harijan families on forest land. The daughters of these families are used for prostitution by the forest department in this region.

Regarding the present situation of prostitution from this area it must be mentioned that the large scale immoral trafficking in women from Purola is the outcome of a long process in which the liason between women in these villages, and the brothel keepers in Delhi, Meerut, Seharanpur, Muzaffarnagar and Dehradun had increased while the *modus operandi* of the agents has become more diffective and sophisticated. Thus despite a better awareness of the problem today, trafficking is on the increase.

To have a first hand look at the places where prostitutes from Purola operate, we were able to accompany Mrs. Kiran Bedi, a young IPS officer on a raid on 64 Chand Building, G. B. Road, Delhi. We were able to interview nine prostitutes from the Purola-Rajgarhi area.

All these women were of the Harijan community and of the *Lohar*, *Bajgi* and *Mistri* sub-castes. Five of these women confessed that their husbands had brought them down into prostitution owing to the condition of helpless indebtedness in the family. In the case of three of the women they belonged to families which had been in bonded labour for two to three generations. Most of these girls had been in prostitution for well over five years. They have no intention of returning to their villages and homes. One suspects that they have been kept in these brothels for too long. They cannot adjust to a home any longer.

The other four girls stuck to their original plea that they had come down to Delhi for treatment by a good doctor. The very use of this excuse provided a direct link to trafficking from the Purola region. Most of the girls who are apprehended by

the police also claim to be going down to the plains for medical treatment. Psychologically these girls seemed quite depressed and fatalistic in their personal philosophy. RAM PIARI of Garh village who is only 22 years of age and had already been in this brothel for five years, is one of those girls who were kidnapped and brought to Delhi. She was dragged from under the eyes of her impoverished mother. She claimed that there was no going back for her.

BIMLA aged 35 years, of the *Lohar* sub-caste from KAMAL SARAIN, was sold into prostitution by her husband. At present she has four illegitimate children. She too claims that there is no going back for her. Her only desire is to remove her children from the evil atmosphere of the brothel. In fact this is a sentiment shared by all the prostitutes who are mothers of children. Some of them have been heroic enough to admit these children in government-run institutions. There are 15 such Harijan children in a Govt. Institute at KALSI. These mothers send money and maintenance for their children with the sole condition that their parentage be kept secret from society and above all from the children themselves. A few such mothers that we were able to interview said honestly that their life was finished, that they themselves were painted corpses dancing out to a meaningless tune, however their children should have the chance of life like any other child of normal parentage.

Our interviews with the practising prostitutes were more in the nature of confirmatory evidence. We had suspected right from the start of the survey that the local *Patwari* must have a pivotal role in this phenomenon of exploitation. It is through his silent assent that women are able to leave their villages. It is again the *Patwari's* silence which acts as the chief obstruction in identifying prostitutes and centres of prostitution. Six of the prostitutes whom we interviewed in Delhi claimed that the *Patwari* was aware of their being taken to the plains for *PESHA*. In fact one of the girls claimed that it was an old *Patwari* who came down to the brothel to collect her earnings, and to deliver them to her family in the village.

These women revealed also that some of the girls who had come into prostitution years ago were now rich mesdames running prosperous houses. We were able to survey the brothel run by the richest of these women, the infamous CHANDRAKALA from Purola.

The last woman we interviewed was *Janki*, a *Lohar* by caste and from Kumolagaon, a mile and half from the Purola tehsil headquarters. Janki has had a career of chequered misery. She was originally sold into prostitution in Lahore before the second world war. Since 1947 she has been operating in Delhi.

Today she is a shattered old woman who drinks hard. She was able to speak freely in a detached and objective manner.

Janki told us plainly that nothing was going to help in ending prostitution. According to her, police raids, checkpoints on the borders of Purola, *Nari Niketans* and widow pensions are all fun and games.

“Buy freedom for our men, give them land and only land. It is this land, these green fields, which will contain their girls. Nothing else can.”

P. S.

The case histories of five of the informants are attached.

s o u r c e s

1. The notes sent by Shri L. C. Bahukhandi formerly the Sub-Divisional Magistrate of Purola.
2. The notes and conversations derived from Shri Chaudhury, S.H.O. of the Police Station at Barkot.
3. An article on the exploitation of Harijan women in Rawain-Jaunpur by Barfi Lal Juwantha, M.A.
4. Information supplied by Shri Giri Raj Shah, Dy. S. P. of Uttarkashi district.
5. A survey on the Exploitation of Scheduled Caste women. An article by Dr. H. R. Trivedi of the Delhi School of Social Work.

6. Information supplied by Mrs. Shakuntala Lal, Secretary General of the Association of Social and Moral Hygiene, New Delhi.
7. Mrs. Kiran Bedi, Assistant Superintendent of Police, North District, Delhi.
8. Sub-Inspector Shakti Singh, the Sector Officer of G.B. Road attached to the Kamala Market Police Station, New Delhi.
9. However the primary sources of information were the women themselves some of whom were interviewed in the green hills of Purola and others were interviewed in their dens of turpitude on G. B. Road, Delhi.
10. A special note of thanks to Miss Firoza Dastur, IAS (O. T.) who trekked up mountains and down valleys to interview prostitutes in their own homes. Many of the personal details revealed by these women would have been hidden, if it had not been for Miss Dastur's careful questioning.

The Informants :

1. GITA, of Sanaul village, Thakralpatti, Rajgarhi.
2. RAMPIARI—GARH VILLAGE, PUROLA.
3. BASANTI—SONALGAON, PUROLA.
4. MAYA—KUMOLA GAON, PUROLA.
5. BIMLA—KAMAL SARAIN, PUROLA.
6. KULAKUMARI - SARNON GAON, PUROLA.
7. TARA BAI—KONSOLA GAON, PUROLA.
8. JANKI—KUMOLA GAON, PUROLA.

These women listed above were interviewed in Delhi where they are presently operating as prostitutes.

The girls interviewed in the Purola tehsil itself are listed below :

- | | |
|-------------------|----------------------|
| 1. TARA—PUROLA | 2. BASANTI—NARAKOT |
| 3. KAMLA—NARAKOT | 4. DURGA—HUDOLI |
| 5. UDMI—HUDOLI | 6. DURGI—HUDOLI |
| 7. SHANTI—KANTARI | 8. BIJLI—KANTARI |
| 9. GEUNI—HLDOLI | 10. MADDI—THADDIYAR. |

CASE—I

DURGI—Age 35, Caste Bajgi (Harijan)

Our study team contacted Durgi of Hudoli village through the *Patwari* of that area. Durgi, aged 35, is of the Scheduled caste community. She has had a wretched youth which encompassed in its span three unhappy marriages and given years of prostitution in a Delhi brothel.

Durgi was at first married to Sudama who took her down to the plains for prostitution. Sudama, also of the scheduled caste community, was deeply indebted to a local land owner. He took Durgi to Delhi on the plea that she needed special treatment by an English doctor.

In Delhi, Durgi delivered a son who died when he was just eight months old. Sudama had by this time divorced his wife and sold her into a brothel.

Durgi's next husband was Rupram, another Harijan from Jaunpur. Rupram died three years after contracting this marriage. Durgi had to return to the brothel. After this, Inder Singh of the Rajput community took her out of the brothel and kept her in Dehradun.

Finally Durgi found salvation in a Punjabi *Khatra* who married her after paying Inder Singh the bride-price.

At present, both are living on the fringes of poverty. They plan to open up a small tea shop on the Hudoli road.

Durgi has applied to the block for a small loan to help her and her husband to set up shop and embark on a normal and respectable course of living.

Some of the interesting facts revealed by Durgi are as follows :—

It is particularly noteworthy that the villagers of Hudoli threatened her with ruin for marrying an outsider. To this the

Punjabi *Khatris*’ sharp rejoinder was “You people sell your girls into prostitution. Why fight with me. I have only brought one of your girls back in marriage.”

Durgi confirmed also, that a former prostitute from Purola, one Chandrakala by name, is operating one of the most successful brothels in Delhi. Chandrakala is instrumental in procuring innocent girls from the hamlets and villages of Purola. This woman owns special buildings on G.B. Road, Delhi in which she keeps girls from all areas. According to Durgi there were definitely over 150 women from the Purola—Naugaon area, while she was in Delhi. Most of these girls lived in Farashkhana, Chand Building and Light Building.

Durgi confirmed also that one Pandit Maya Ram, a *Sarpanch* of Kuan village is an important intermediary in the trade of immoral trafficking.

Durgi who dresses in a Punjabi *Salwar-Kurta* is still very hopeful for the future. She was one of the few prostitutes interviewed by our team who have not turned into morbid human beings.

Durgi spoke freely and frankly with the lady member of our team. She revealed the pathetic conditions under which young and innocent girls have to exist in the brothels of Delhi.

According to her, girls live together in dormitories. In each room there are as many as 12 or 13 girls. Almost without exception they sleep on the floor. For purposes of prostitution, the girls are assigned cubicles within the same building. Durgi described also a prostitute’s normal working day. The girls are waked up at dawn by the madam herself or one of the hirelings of the establishment. The girls then dress themselves for early customers. According to Durgi a prostitute’s working day starts at 6.00 A.M. and end at 1 A.M. There are periods of sleeping and eating in between. The girls get

enough to eat and a few set of clothes. However all savings of money are kept for safety with the madam of the brothel.

This incidentally is one of the reasons why girls cannot leave the establishment and run away.

A prostitute's life is hard. She is rarely allowed out of the house alone. This is especially true during the period when the madam's initial investment on buying her has not yet been cleared.

Moreover the girls are never allowed to keep much money with them. At any given time they do not possess more than 10 or 20 rupees which are usually handed out as pocket money. Inmates of a brothel also have to pay the following fixed sum on a monthly basis :

Rs. 10 for the use of a Fan

Rs. 10 for the laundryman

Rs. 15 to pay the combined bribe to the policemen who patrol the area.

According to Durgi a prostitute's life is worse than that of a pack-animal. Young girls have to submit to sexual intercourse as many times as the establishment decrees it. On an average this works out to 20 or 22 times a day.

Durgi feels that most of the girls engaged in prostitution, if rehabilitated decently, would happily leave their trade. Some of the women, however, are addicted and attuned to that form of life.

On one point Durgi was emphatic. No one ever goes into the profession of prostitution without being raped, or forced into it.

CASE—II

GEUNI—22 years, Harijan Mistry

Geuni a young girl of 22 years had already worked in a brothel in Delhi for 3 years. She was taken down to Delhi by her husband who promised her the best medical treatment possible. Since it was not possible to pay the doctor's fees, Geuni was admitted into a brothel to earn money for her treatment. Her husband and her mother-in-law used to visit her often and also collect money from her, from time to time.

Geuni's story of going down for medical treatment and later even consulting a doctor seemed to be only a cover. It was quite easy to discern that here too a husband had sold his wife into prostitution to pay off an old debt—quite possibly, yet another case of prostitution stemming from bonded labour. Geuni returned three years ago, after her mother-in-law had sought the help of the S D.M., Purola. It was very difficult for her to leave the brothel because the madam disallowed her from seeing her mother-in-law and the *Patwari* who had come to rescue her.

Geuni too lived in the same brothel as did Durgi. It is the same infamous building run by Chandrakala.

Geuni has now returned to the fields, her husband and her home. She thinks of her days in Delhi with utter horror. Geuni too claims that no one has time for social ostracism. No one taunted her for being in the trafficking trade. She was not able to bring back anything in the form of clothes or jewels. Since she was rescued in a raid, she left the brothel with the clothes which she happened to be wearing.

Geuni was able to earn 15 to 20 rupees a day on an average. Her object in going to the brothel was defeated. She was not cured of her illness.

However it is easy to see that Geuni must have stayed in the brothel only so long as her husband's debt was not cleared.

According to Geuni, there are about 100 girls from Purola operating in Delhi. She feels that most of them would return if they were assured a decent life.

When questioned about the possibility of her having inspired other girls into the trade, she looked at the team angrily and declared that it is far better to die than to live the life of a prostitute.

Geuni threw light on the rescue home in Tehri. From her experience, it seems to have been run on very unimaginative lines. At Tehri, Geuni spent most of her time in learning rifle drill. The food was almost inedible, but it was free. Geuni feels that she could have added to her family's slender income, had she been taught sewing and tailoring. She is very keen on the idea of a sewing machine and would like to apply to the block for a loan.

The rifle training given to Geuni has naturally been wasted.

CASE—III

BIJLI—Caste : Lohar ; Village : Kantari

To interview Bijli, we had to climb to Kantari village which is half a days trek from Hudoli. We decided to take our chance since she was still on bond with the S.D.M.'s court at Purola. Bijli greeted us with a dumb expression. This beautiful girl is psychologically quite shattered. It seems that she, of all the prostitutes we interviewed, had undergone the worst possible treatment in a brothel in Delhi. Bijli is a Lohar Harijan.

Her sister Bachna is a practising prostitute in Delhi. Her brother-in-law Jodh Singh is a Rajput of influence. It is this man who is responsible for selling several girls into prostitution through the medium of marriage. Jodh Singh took Bijli to Delhi under false pretences, claiming that he was going to take her to a nearby town where her sister had called for her.

Bijli stayed in Delhi working in a brothel with her sister for two years. Though she prostituted herself for two years, she was unable to collect any money as Jodh Singh would claim all earnings.

Bijli claimed that she had on a few occasions been around Delhi and seen the Red Fort and a few movies. Jodh Singh had moved Bijli down to Saharanpur from where she was finally caught in a raid. Bijli was already married to one Thunthia—Jodh Singh annulled this marriage in the traditional way by returning to the husband his bride-price. Needless to say Jodh Singh made a substantial sum of money by prostituting Bijli. Bijli is a wrecked personality. She said that she would never contemplate another man, not even for marriage. Bijli has totally lost interest in life. This is amply borne out by her vacant stare.

Bijli is amenable to the idea of learning sewing and tailoring. In passing it might also be mentioned that Bijli's sister Bachna who was also on bond with the S.D.M.'s Court has once again been made to run away to the brothel by her husband Jodh Singh. Thus Bachna's is a unique case indeed—she is one of the few women whom the Delhi brothels have absorbed totally. She is willing to spend the rest of her life there.

CASE IV

SHANTI—Age : 15, LOHAR HARIJAN

Shanti was the youngest of the prostitutes that our team interviewed. She claims to be fifteen years of age but looks a couple of years younger. At 13 Shanti was married to Chathru. Soon after her marriage a divorce was arranged and she was living with her father. It must be noted that Shanti is related to Jodh Singh. In fact, Shanti's mother and the mother of Bijli and Bachna, are real sisters. Thus Jodh Singh is Shanti's brother-in-law. Shanti was duped by Jodh Singh. The latter promised her a trip to Neogoan. He took her by night and the first halt was a brothel in Delhi. Shanti's family too was deeply in debt. Thus Jodh Singh is the financial adviser to the parents of all three girls. He kept for himself every penny that Shanti earned.

Before she was finally recovered from Saharanpur, Shanti was dragged to Meerut as well and finally to Saharanpur.

A significant side light of this case proves beyond the shadow of a doubt the tyrannical authority wielded by the *Patwaris* in the distant mountain villages of this region.

It is believed that when Shanti was found missing her father did try and locate her. He did report the case to the *Patwari*, Prem Singh Pawar. The *Patwari* was a Rajput and so was Jodh Singh. And thus Shanti's father was beaten up for disclosing this case.

Shanti was eventually rescued in a raid conducted in March 1974. Shanti's attitude to life is still a positive one. She does intend to re-marry in the near future. Her father, however, wishes her to contract a marriage whereby the husband comes and lives in their home and helps with cultivation of the few fields that he does have.

Needless to say, Shanti's father too is a bonded labourer. Shanti shyly requested us to arrange for a loan with which her father can buy a pair of bullocks.

We feel that this sort of exemplary justice is a crying need of the moment. If for no other reason than to convince the most depressed classes that a government does exist in Delhi—a government that has geared its giant energies towards social welfare as much as to economic development.

CASE V

KAMLA—Age 45, Caste Bajgi (Harijan)

Kamla is a Harijan woman aged 45 from the village Hudoli. She had returned to her village after over 20 years of trafficking. As a child Kamla was married to a man from her own community. This man left her to fend for herself. The whole situation was exploited by a *Pandit* who coaxed her into leaving home. He then sold her to a brothel keeper in Dehradun and vanished with the money.

Kamla changed many hands and eventually reached the brothel run by Chandrakala in G. B. Road, Delhi.

Here she was engaged in trafficking for six or seven years. Kamla had lost all touch with her family and the village.

In Delhi, one Ram Nath Bhatia, a rich Cycle Merchant took a fancy to her and kept her as his mistress for a period of 15 years. Kamla was sent home by Mr. Bhatia five years ago since she had grown too old now to be a mistress. Having spent her entire youth with Mr. Bhatia, Kamla relied on him solely to protect her in her old age. This was not to be. Kamla was just given her train fare home. She was promised a pension but it never arrived.

Today, she lives on the charity of an unwilling brother. She has no means of subsistence. And in this situation she has an incomparable silent dignity.

Kamla wants to work in an institution. It is now no longer possible for her to work in the fields. This case reveals clearly how Harijan women are not unoften enticed away or abducted by *Pandits* and Rajputs of the *SAVARNA JATI*.

Kamla's situation shows only too clearly, how difficult it is to rehabilitate these fallen women. Kamla threw another important side light on the fate of returned prostitutes. According to her, the *Patwari* is a local tyrant, he never spares returned women, and extorts large sums from them periodically often until they are totally impoverished.

Kamla has applied for a pension to the block. She is only too keen to work in the new *Nari Niketan* that is being planned for Purola.

CHAPTER VI

FROM CRADLE INTO THE FATHER-IN-LAW'S HOUSE

1. As one passes through the picturesque terrace fields of Jaunpur one can hear and see village women singing and smiling while working in the green fields. But, no one can guess the extent of miseries these charming faces are hiding. These women have stories to tell about their unhappy child-married life. As she grows up she is confronted with stark realities of life to which she can never reconcile.

2. Infant betrothals and pre-puberty marriages are a common feature of Mallur, Idyosien, Silwad, Chhajula, and Palligad Pattis, areas of Jaunpur, which covers about one hundred and thirty two villages. Here betrothal is arranged when a child is still in cradle. It is not quite uncommon for betrothals taking place even when children are still in their mother's wombs. The agreement in such cases is that, if the babies belong to opposite sexes, they are to be wedded to each other after their birth. The actual ceremony of betrothal is however performed after the birth of the babies. Physical deformity or some chronic disease in boy or girl entitles either party to cancel betrothal. Otherwise, it is regarded as an offence to cancel the betrothal without sufficient or cogent grounds. In these child or infant betrothals, the choice lies with the parents, relatives or kinsmen, whose function is to decide whether the parties belong to the right matrimonial class in the group.

3. *Mangni* (Matrimonial alliance) is of two types. In one case, boy, and father bids the bride-price ranging from Rs. five hundred to Rs. two thousand which is to be paid partly in the lump-sum and partly in instalments during the period before marriage is solemnised finally. In the second case, girl's father consents to confirm the matrimonial alliance happily

without bidding any price. Once the agreement is made or arrived at, boy's father ties a golden or silver necklace around the neck of the baby and thus "Mangni" is confirmed. Thereafter, boy's parents keep on sending to the girl her share of sumptuous meals cooked during festivals like Shiv Ratri, Ashtami, Baishaki, Dewali, Dushera and Mag Mela, etc. every year during intervening period before the marriage.

4. Marriage is followed by betrothal at an age of one to fifteen years. Teen-aged bride-groom goes to the bride house accompanied by a band of villagers. They stay there for a night and next morning girl is decked up with golden or silver ornaments which is a present sent to her by her in-laws. (These ornaments are quite costly ranging from Rs. 1500 to Rs. 6000 or above depending upon the capacity of her in-laws, part of which is inherited). Some presents are given to the couple by her parents as well as by villagers both in the form of cash and kind. After the ceremony bridal party goes to the boy's house. If the bride is a mere suckling, her mother also accompanies her for feeding milk. The real festivity takes place at the boy's house where the household squanders away years of accumulated resources before the marriage party. In the frenzied symphony of dance and music, drinks flourish, goats slaughtered, ghee pots emptied and grain stocks exhausted. On this occasion, rich tries to excel the record of other rich and poor try their best to uphold the level of minimum marriage standards.

5. Marriage expenditure is estimated to be incurred ranging from Rs. one thousand to Rs. twenty thousand. The classic example of a fabulous marriage is that of Shri Surat Singh S/o Shri Luder Singh Namberdar of Pantwari village which was celebrated some eight years back when about one thousand persons were invited and some eighty goats were slaughtered keeping apart the account of other expenditure. Shri Surat Singh got married to two girls simultaneously on that occasion and such a practice is not quite uncommon in Jaunpur. Here,

system of marriage is polyandry where one wife is supposed to be a common wife of all the sons—even of those who are not yet born. Younger brothers may marry some other women at later stages, yet all the brothers can cohabit with all the wives, thus making it a polygamy type of marriage. But, no expenditure is incurred at the subsequent marriages.

6. After marriage, little wife visits her parents and stays there till she attains puberty though she makes occasional visits to her in-laws house accompanied by one of the members of her family, during yearly festivals for two or three days. However, it would be apt to mention here that social customs prevent the girl to cohabit with her husband before she is fully grown up. As soon as she becomes puber she is sent to her father-in-law's house permanently with a full right to visit her parents during festivals or as and when she feels like meeting them both in the events of tears or smiles.

7. This practice of child-marriage is defended vociferously by the villagers on various grounds. Primarily, it is because of the pious wish of a grand-mother or a grand-father of the family to see that their grand-children are married before they die, that such marriages are performed. It gives them an assurance that their family lineage does not extinguish, and there remains every certainty of off springs looking after the property that they most tenaciously build up with sweat of their brow. They presume that if the boy is tied to the bonds of matrimony, he will generate interest in the domestic life and a natural attachment for hearth and home will preoccupy his mind and he will never run away from home leaving his wife and parents alone (boys running away from their homes is quite common there).

8. In certain cases, financial constraints also result in the child marriage. Suppose, A is indebted to B, he will come forward with a proposal to marry his daughter to B's son. In this agreement, either the entire debt is washed off or the terms of debt are mitigated.

9. Class consciousness is very much deep rooted in their social structure. Therefore, they are worried about finding out a suitable match for their children of their own strata and the number of matching families being limited, they are always in a hurry to confirm the match at quite an early age. A *Jaunsari* can never think of marrying his son to a girl from a lower class and vice-versa as that might result in a social stigma or social boycott.

10. Marriage in Jaunpur is a costly affair which cannot be borne by a man single handedly. Polyandry and polygamy being prevalent there as system of marriages, husbands can contribute maximum from their children's marriage. After all, marriage is performed for all the sons only once.

11. It has to be remembered that practically, all *Jaunpuris* are agriculturists and the utility of a wife depends upon her interest and training in household and field work. Therefore, mother-in-law can train the young daughter-in-law in the dexterous handling of all the odd jobs. Moreover, her services in agriculture can be best utilised since her childhood. The girl-wife is given instructions to perform household and outdoor work and practically in all the fields, which concerns the household. She gets up early and brings water from the springs. Then she goes to the fields, transplants paddy and reaps the harvest. From the forest, she collects grass for domestic animals. She washes bundles of clothes. She is first to get up in the morning with the lark and last to go to bed. Over and above that, she has to meet the sex demands of all the husbands. If a grown up girl is married, she may not adjust herself in the new household of her mother-in-law properly.

12. Further, they opine that through early marriage the couple live together from childhood and great intimacy develops and a healthy atmosphere is created in the family. Whereas, clash of interest and habits might rock the family if late marriage is performed owing to their upbringing in a different environment.

13. However, child marriage brings in its train concomitant problems. The child-wife finds life very hard for her. The mother-in-law cannot naturally be so kind to her as her own mother. It is sheer cruelty to deprive this girl of tender age the love and affection of her own mother for the benefit of her mother-in-law. Without parental care and affection children tend to become sentimental and submissive and that way they become poor specimens of humanity. She is deprived of the rudimentary education at her in-laws house. That is the reason why there is pathetically low literacy rate among women in Jaunpur which is 8% only.

14. But, the worst of it is that the couples are not really so happy as they are expected to be. When they are married, the couples are just ignorant of wordly life and their personal likes and dislikes may cross swords when they come to maturity. There are numerous cases of dissolution of marriage which gives the conclusive proof that early marriage does not strengthen the marital ties but weakens it.

15. As soon as the girl grows up and finds things intolerable, her spirit rebels against her marriage. She may find it hard to put up with a husband or number of husbands who may prove to be disagreeable with her hopes and aspirations. As a result, she would go to her parents during festivals and thus refuse to go to her in-laws house.

16. At her parents home she moves freely in the village, singing, talking and dancing like a gay bird, meeting men at the wells or in their daily avocations and she manages to throw her cupid arrows on some one or the other from within the village or from outside. As soon as she finds a man of her fancy, she elopes with him. People, jealous of her independent and free life at her parent's home allege her saying :

“रही जानी तो अपने आप,
न रहनी तो सगो बाप ।”

It means that if she thinks about her own marriage, she may remarry according to her own choice even without caring for

the wishes of her own father. But, she has no better alternative for her own life.

17. Now, her old husband presents the case before village Panchayat which is presided over by the village *sayana* (Chief, elderly person) and her new husband is forced to pay compensation to her old husband, the expenditure incurred by the latter on her first marriage. She is thus legally divorced and this practice is called "chhut". If her new husband is without money, he knocks at the doors of money lenders and thus gets himself indebted.

18. Her earlier husband or husbands also cannot afford to keep household and fields unattended to without a wife, so, a frantic search for a new wife starts off. Since, all other women are also married at quite an early age, therefore, he will try to dissuade some one else's wife exploiting her weakness for love and finery by making attractive presents. Usually, these advances take place during festivals when she is at her parents house. On having won her confidence he also elopes with her. That way, he manages to break the peace and tranquility of some body else's home for setting his own house in order and this vicious circle continues engulfing almost all the households in the area. For that, festivals provide ample opportunities where men intoxicated with drinks and women intoxicated with charms help each other in making or breaking marriages.

19. Sometimes, unhappiness and dissatisfaction about his marriage solemnised at a tender age compels a boy to arrange for a new marriage. One such pathetic case is of an adult from Theyady village who got married to two infant girls simultaneously when he was still a child. Of course, this marriage was arranged by his-parents, but he never liked his wives as soon as he came of age. And, recently, he got married to a third girl and paid a heavy compensation of Rs. 7000/- for her 'chhut'. Now, he is living with three wives, two are those whom he does not like and the third one whom

be loves most. It is quite certain that these two wives might also repudiate their marriage and find men of their choice very soon.

20. On many cases, greedy and unscrupulous fathers make a best bargain for their daughters even after their marriage. If some wife-hunter greases the palms of her father, he persuades his daughter to marry this man. If she refuses to obey, the father threatens her with dire consequences and the girl not wanting to annoy her father gives consent for a second or more marriages.

21. If her earlier husband threatens her father with taking up the case to the court of law, the father bullies him thinking that court proceedings are either too dilatory or too expensive. When her husband really tries to lodge a complaint, the father along with his new son-in-law bribes village panchayat and the *patwari* when her former husband agrees on a compromise for the dissolution of his marriage after compensation.

22. Shri Budh Prakash and his brother Bholla of Dawargarh village of Silwad Patti, has been given ultimatum by their father-in-law to release his daughter. Budh Prakash feels that his father-in-law will "sell her to some one at some other place". His father-in-law is giving Rs. 900/- to him as compensation whereas, Budh Prakash had spent Rs. 3000/- on his marriage

23. In Purogi village one girl named Chheni was married to Jingra. Her father got Rs. 1000/- from Jingra as bride-price. After, five years of their marriage, she ran away with a young Kundan Singh of Khiari village, leaving her old husband Jingra. Now, Jingra claimed compensation from her father, which he refused. Jingra requested village *Patwari* to come to his rescue in either getting his wife back or the bride-price. But, to his chagrin, *Patwari* also demanded Rs. 300/- to solve this issue. Since *Patwari* is a police-officer also, Jingra wanted to seek his intervention in the matter but without some bribe, *Patwari* also shall not come to his rescue. Poor Jingra is in a fix now.

24. Exorbitant marriage expenditure coupled with bride-price and high cost of ornaments compel every poor father to borrow money from the money lenders. Money is available only at a higher rate of interest which is as high as 31%. Since they have no available source of earning money, repayment of debt is procrastinated and, therefore, rate of interest along with the principal sum goes on multiplying. In many cases (especially Harijans) they have to work as bonded labourers to the moneylenders.

25. In Patwari village one Harijan named Gorkhu had borrowed money for marriage from Shri Luder Singh Namberdar of the same village many years back. He had been working in Namberdar's fields as a bonded labourer since then. Now, his son Gulkoo is also engaged as a bonded labourer but money so borrowed does not go to liquidation. Similarly, Phagunia and his son Nekhru from the same village had borrowed some money for marriage from Shri Saiju and Shri Pharia two brothers and they have been working as bonded labourers since many years.

26. In Bishtonsi Shri Sang Ram Carpenter and mason had borrowed about Rs. 1500/- from various money-lenders for his third marriage and for making "Chhut" payment but he is so much terror-stricken from the visitations of money-lenders that he keeps on hiding from them away from his home. He meets his wife only twice a month under the cover of darkness and during rest of the period he is absconding. She ekes out her livelihood by working in the fields of others.

27. We can guess the short-sightedness of a girl's father that while accepting bride-price he does not realise that money which is being paid to him must be a borrowed money and tomorrow his own daughter may have to work along with her husband for the repayment of the debt as bonded labourers of the moneylender.

28. Another bane of a child marriage is that it results in the moral laxity of women and men alike. A woman indulges in promiscuous sexual relations with her polyandrous husbands, since childhood. This encourages her to be more permissive and to indulge in fornication and all irregular or temporary liaisons. Husbands also have their extra marital relations as and when they can steal a chance. This results in contracting of venereal diseases like Gonorrhœa and Syphilis in an alarming proportion. It has been estimated that about 65% of the population in Jaunpur is suffering from these diseases and it is going on spreading like a wild fire and unfortunately there are no V. D. Clinics also for treatment. These diseases cause pre mature birth and therefore infant mortality rate is extremely high in Jaunpur. That is why population ratio of Aindhi, Khashonsi and Bistonsi villages is quite queer as evident from the following table as on 25. 8. 1975 :

<i>AINDHI</i>			<i>BISHTONSI</i>			<i>KHASHONSI</i>		
Men	Women	Children	Men	Women	Children	Men	Women	Children
40	43	41	29	32	38	54	48	27

29. And, the total population of of Jaunpur with 260 villages is only 33641. In Khashonsi village, Bahadur Singh and his other four brothers are having one common wife. All of them are in their dotage but they have got only one daughter. In the same village, Tara got married to seven women after paying compensations for each but even then he is issuess and all his wives have deserted him one after the other. In Aindhi, Kewal Ram and his two brothers are having two wives. They are aged but they are having only one infant daughter and all other children died in infancy. There are innumerable cases where inability of women to assure children so as to perpetuate family line, make a fit case for marriages to the husbands.

30. In Bhutgaon village, Shri Surat Singh and his brother Zabar Singh got married to two girls named Lila Devi and Santa Devi. Since they were not promising children, these two brothers married two other women named Mahima Devi and Zullo Devi. Mahima Devi and Zullo Devi were married elsewhere and as compensation for 'Chhut' Surat Singh had to pay Rs. 1800/- to Mahima Devi's previous husband and Rs. 2000/- to Zullo Devi's earlier husband. Now, of course, all the four wives are having children. Similarly two wives of Mohar Singh of Pantwari village did not bear children and he got married to a third woman who is bearing children.

31. Unmanageable extensive fields also compel a husband to marry many wives and such cases are also in plenty. In Naingaon village,, Sri Surjan Singh is having two wives. Both of these persons have got sufficient fields. In all such marriages husbands have to incur heavy expenditure on 'Chhut' payments since all the women are already married during childhood. However, the first wife enjoys many rights and privileges. She wields dominating power over the co-wives. All the wives are assigned different jobs in the household. But jealousies and bickerings are bound to arise amongst these women at one stage or the other. That is the reason why they believe in saying :—

सौत बली न गोबर की

It means that women do not like even a statue of another woman in front of their husbands.

32. The most obnoxious consequences of pre-puberty marriages is that in many cases, it promotes trafficking in women. Many fascinating adolescent girl-wives fall into the trap of ill-fame when traders of flesh sound them on the vagaries of unhappy married life resulting from child-marriage, tempt them with fabulous money, fine garments and plenty of ornament. Before these nefarious characters induct them into the foul trade, they promise them a heavenly married life of opulence and comforts and these girls are caught unawares when they find themselves in the quagmire of lust and debauchery.

33. Sherie of Naingaon village trapped three bewitching girls in this manner. All of these girls were married elsewhere before. First of all he trapped a fifteen year old girl from Manog village, called Banko. Banko was married to Jharodu of Pantwari. He paid Rs. 1400/- to Jharodu and obtained 'Chhut' for Banko. Next, he took Baishakhi who was married in Marras village and paid a compensation of Rs. 3000/- to her husband. Details of the third girl are not known. Probably she is from Jaunsar-Bawar area. All these girls are languishing and doing a flesh-trade in G B. Road, New Delhi.

34. Similarly, Kalantou also from the same village Naigaon abducted Mangseri from Aindhi Village and put her into the trade of flesh under an assumed name of Phulkumari. It is quite shameful if it is mentioned here that her mean brother Zingaria also goes to his sister for collecting money quite often and on the strength of that money, he drinks days and nights, defies villagers of Aindhi over trifles and threatens them with serious consequences. It is said that Kalantou is having four wives, all engaged in prostitution in the house of ill-fame of G.B. Road, New Delhi and he himself leads a life of luxury and splendour with them in Delhi.

35. In another case, one Mahima Nand of Bhatwadi village, a most notorious character of the area, a *Pandit* by profession, managed to sell Nagu Devi daughter of Shri Shurat Singh (a most beautiful girl from Bishtonshi village) to a brothel keeper in Kanpur. The reaction of the parents was most pathetic sight as everybody in the family was in tears. Her mother has fallen ill remembering her daughter all the time. She is only hoping and wishing her daughter to come back alive. But whether she will be able to see her daughter is not known. Her father does not want to lodge any complaint to the authorities lest Mahima Nand should cause some harm to him.

36. Phatku from Manog village had engaged three girls for prostitution some years back and he is leading a reformed life now. Two of the girls are married and having a settled family life and Phatku got married to the third one.

37. In many cases, girls turn to their former husbands despite the fact that they are married at many other places. In Bandrasi village Dil Dey has started living with her former husband after changing five households. After visualising all the aspects of child-marriage it may be observed that almost every wife in Jaunpur changes household. A woman, who is contented with one family is called "Aik Gharia" but only 10% of the women fall in this category. About 40% of women fall in the category "Do-Gharia" or "Teen-Gharia" i.e. who changed two or three households and 50% "Chau Gharia" i.e. women who changed four or more households. In Bhutgaon village one woman had married twenty times before she died.

38. But the most unfortunate lot of this kaleidoscopic marriages are the children. Women leave their children behind as soon as they get married to someone else. It is at this stage that children need personal care of the mother, but this right is robbed from them most ruthlessly. As child is the father of man and in the most impressionable period of his career in the family he is made what he tends to become in his adult life. There, what he learns by experience and observation, moulds his character and determines his attitude towards life and its practical problems. Already, in the polyandry and polygamy type of marriages, they tend to become a general neglect. As a dictum goes "what is everybody's business is nobody's business" and in their case this truth seems to be rightly applicable. Many of them don't really know their real father and if one is asked as to how many fathers he has, he might most innocently say four or the number of fathers there in the family. Only mother is supposed to know the father as they say :

बुआ जाने बला बाबा

अर्जुन जाने बला गीता

Meaning thereby, as the real knowledge of Gita is known to Arjuna, similarly, real knowledge of father is known only

to the mother. But, unfortunately she does not stay in the family (for reasons known) to realise this truth and goes to another household after her subsequent marriage or marriages.

39. Thus, after analysing all the side-effects of child-marriage, we can come to the conclusion that child-marriage is at the bed rock of all the social and economic malaise of Jaunpur. Though the Child Marriage Restraint Act is on the statute book since 1949, its words and spirit seem to be dead or unknown to the people there. Section six of the Act reads :

“Where a minor contracts a child-marriage, any person having charge of the minor whether parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnised, shall be punishable with simple imprisonment which may extend to three months and shall also be liable to fine”.

Perhaps, “simple imprisonment” clause makes people audacious to either take it lightly or just to ignore it. Probably, authorities also do not seem to have contemplated over this problem.

40. Child-marriage is a curse and it needs to be condemned with full force and authority. Adult marriage, where both a man and woman can have better understanding so as to lead a peaceful and happy life, should be made realistic with *Jaunpuris*.

The story of Shri Mahima Nand of Bhatwadi

The innermost recesses of Jaunpur Block hides tiny little villages, almost completely cut off from the world around it, resting on the hill sides peaceful to all external appearances. Complete peace there would be in fact, had it not been for people like Shri Mohima Nand of Bhatwadi.

Bhatwadi is a village just behind Nag Tibba (viewing it from Mussoorie). It is a comparatively large village for the area. The people are all Brahmans and Rajputs, with a handful of Harijans. The economy, as that of the entire area, is 95% agriculture-based. A few animals are the only wealth of the people besides their tiny, fragmented pieces of land.

Mahima Nand is a Brahmin of this village. He owns quite a lot of land by the standards of Jaunpur—about 4 acres. In addition he was the 'Pujari' of *Nag-Devta*, the traditional God of the local people, who has his abode on Nag-Tibba. The duties of the *Pujari* are not much at all; in fact, no one could tell us what his duties exactly are. Sufficient for the people that he is a *Pujari*.

From the earliest times, we were told, Mahima Nand had been a daring, vicious child. Harassment of women, petty thefts, quarrels, fights etc. were his daily pastime. Once he tore of a young boy's clothes in the presence of several women—and was nearly killed by the other villagers for it. His activities extended into neighbouring villages too. Twice the Nyaya-Panchayat fined him Rs. 500/- the maximum it can impose, but he just paid the fine and went his ways again.

Mahima Nand grew, thus, into a terror. His father seems to have condoned his actions, for around 1966, he brought him not one but four wives. In course of time he left all four—one of them is dead, one has gone back to her parents in Bamangeon, the third has returned to Khabundi in Uttarakashi and the fourth, who has three children, is mentally deranged and lives at home. It is after this that Mahima Nand ventured on his new career. His first victim was a married girl from Basangaon, whom he abducted. But his husband discovered it soon enough, and she was brought back the next day.

Next, he eloped with another married lady from village Aindhi. This was the daughter of Shri Amar Chand, the

"Samberdara" of Aindhi and the wife of Jai Chand of a neighbouring village. He took her to Dehradun for about 6 months, pocketed all her earnings and then brought her back. A payment of Rs. 2000/- was made to her husband, who still did not accept her. She returned to her father in Aindhi. She showed no trace of her sojourn into Dehradun except for gold-earrings, which no other woman of the village had. Since Mahima Nand had paid her husband the 'Chhoot' money, she was now his wife, according to local custom.

Mahima Nand thereafter abducted another girl from the area—from Bishtonsi, a village very close to Aindhi. This incident is still very fresh in the minds of the villagers. Apparently, he first stole a goat from one of the houses, and then he along with Bhottu of Jhangari (mentioned below) and another unidentified person, drank and ate at Bhonra Singh's house in Bishtonsi. In the early morning, the girl escaped from her house, and Mahima Nand did the rest. The girl is reported to be in Kanpur now, the city which is his centre of operations.

Mahima Nanda's modus operandi seems to be first to seduce the woman and then elop with her, keep her in a city brothel for a short while and then return her with proper amends to the family. His reputation in the area probably attracts women to him. What happened to other such women does not deter them, for firstly, the matter is not spoken of much and secondly, Mahima is himself very glib and persuasive. The fear he has inspired in the local hearts also induces the women to do as he wants. Where even the men are afraid of him, it is not surprising that he can have his way with the women. It is also obvious how he gains favour in the brothels—by presenting them with a "new girl"—a much desired commodity in the trade—every 6 months. By making amends to the family concerned, too he lessens their resentment and the money he thus pays is only a fraction of his earnings.

Asked why they never reported about him to the authorities or took collective action against him, the people expressed a universal fear of his strength. Who knows, they said, the man is mad, he drinks like a devil, he may just kill us and get away clean, or burn our fields and houses, kill our animals. Can't the *Patwari* do something? What can the poor *Patwari* do, he has to live too in the region, and so Mahima Nand comes and goes freely in Bhatwadi.

Yet there is no dearth of collaborators in the villages. One such person is Bhattu of Jhangeri. Formerly a big landlord, he has now sold out all his land. His own wife he takes frequently to Kanpur. In 1974, he abducted a girl from Basengaon, who has now come back. In this case, the husband accepted her back, with a payment of Rs. 900/-. Bhattu has resided for long periods of time in Kanpur. His brother, Giani, was apprehended for the same deeds in Delhi, upon information given by the *Pradhan* of Mogi-Mosras, and is now in Jail at Tehri, Bhattu not only collaborates with Mahima Nand but also aspires to function independently.

Other minor collaborators there must be—for instance Bhonra Singh, the "Lamberdar" of Bishtonsi, at whose house merriment was held before the abduction of a girl. Then, of course, one cannot say, for sure that the husbands and families do not themselves assist him in some way. In their poverty, the people see an easy way of making money without any exertion. The case with which the families accept payment renders them liable to suspicion. The women themselves, of course, are largely to blame for their ultimate fate. But in their simplicity and innocence and in the tremendously tough living conditions, it is not impossible to comprehend their desire to get away from it all. The woman has to work incessantly from dawn till late at night while the men just sit around and chat and with all the work she barely has enough to eat. The temptations of city life, are thus too much for her.

The local authorities seem to be fully helpful to men such as Mahima Nand. The *Patwari* knows all about the goings-on. Yet never has he lifted a finger to stop them. The plea that he does not have enough men is partly acceptable. The *Patwari* must be relieved of his police duties as soon as possible. He not only finds it easy to get into league with people like Mahima Nand and Bhattu but is also incapable of taking any action. Mahima Nand moves freely in the area ; his letters to his mother come frequently, and she probably writes to him at some known address. It would be thus easy to trace his abode in Kanpur. Bhattu still lives in the area in (Jhangani).

As a rule, trafficking in women is looked down upon. The abductors always take women away under the excuse that the woman needs medical treatment in the city, or some distant relative is ill, or that she is going shopping. Also the people are appreciative of the fact that such anti-social elements are being apprehended and the women are being brought back. Even so, the trade does go on. Mohima Nand is still youthful (35-36). His career may be said to have just begun. If he is allowed to continue like this for very long, he will not only do immense damage himself but also inspire other people by his success.

The upper castes are not as much ridden by this malady as the lower, poorer ones, and the interior does not suffer as much as the roadside in this respect. Lallor Patee, which is exactly like the areas of Jaunsar-Bawar just across the Yamuna, is particularly note worthy. Harijans of this area (Koltas, Doms, Bajgis) quite openly sell their women—sister, wives, daughters—at a nominal price. The women return after a while, well-clad and bejewelled, and no social stigma is attached to them. Even in the higher castes, the maximum punishment is that the husband does not accept the woman back. She goes to live with her father, but socially suffers in no other way.

That the problem is tied up with others is obvious. Lalloor Pathu for instance is notable for its indebtedness and instances

of land alienation. The Harijan, feeling the economic pinch seeks out methods of alleviating his misery. The unscrupulous pimps cash in on this opportunity. Secondly, the tremendously difficult life the women lead tempts them to escape, if even for a while only. Thus, the solution of the problem of trafficking in women involves a solution of a lot of other problems simultaneously. Of course, immediate steps like a vigorous check along the roads are essential. Again, it might be a good idea to have a quarterly check of the population of each village. Exemplary punishment to those apprehended is also necessary. Registration of marriages and the other forms of certificates would be helpful, since the most common method of acquiring women for the brothers is to marry them, there being no check on the number of times a man may marry.

In conclusion, it might be said that the people, however stoically they might accept the situation do not really want to indulge in the trade. It is out of sheer necessity that they do. And the people's belief that the incidence of women going to "Desh" has reduced over the last few years must certainly be no reason for the authorities to sit back and do nothing. With increasing monetization in the economy, the incidence will only increase, we fear. Immediate steps are essential to stop people like Shri Mahima Nand of Bhatwadi.

CHAPTER SEVEN

BONDED LABOUR IN BHANDERIA BLOCK (SOUTH BIHAR)

In the course of our socio-economic study of Bhanderia T. D. block of Palamau district in South Bihar we came across fifteen persons from the four villages of Saraidih, Marda, Mulki and Kanjia who were, bonded to the village *Mahajans*, and in couple of cases the Adivasis, too had bonded them. In addition to the fifteen bonded labourers, two persons had voluntarily bonded themselves, because of utter poverty.

In this part of the country the system of bonded labour is known, either by *Sonkia* or *Sewakia* or *Kamia* or *Kamuti*. In certain cases a labourer is given a small patch of land measuring 8 Kathas i.e. 0.30 acres, which is called *Palhat* and also a small hut to live in and is called *Bari*, for the services rendered to the landlord.

One striking feature of the study, was that all the seventeen bonded labours belonged to the landless class.

The following is the community-wise break-up of the bonded and attached labour. But, they cannot be called bonded, in the strict sense of the word as they are free to emancipate themselves, whenever they wish so.

Total number of bonded labour = 17

S. No.	Caste/Tribe	Bonded	Male	Female	Total	%age
1.	Scheduled caste	6	6	nil	6	35.2
2.	Scheduled tribe	4	3	1	4	23.5
3.	Backward classes	7	7	nil	7	4.7

The above table clearly indicates that the backward class and the schedule caste are greater victims of this system, than the scheduled tribes.

Mode of payment and hours of work

The modes of payments to the bonded labour, varies from person to person. Generally, the bonded one gets *Lukma*, *Kalewa* and *Bani*. The *Lukma*, i.e. breakfast is supposed to be 250 gms of 'Sattu' which is millet (*Jau*) or *Gondhli* (*Panicum Milaire*) parched and ground, to be moistened with water and eaten with salt, chillis and radish. *Kalewa* too is supposed to be 250 gms of 'Sattu' and *Bani*, is 3 *Kacha* seers of paddy or 2 *Kacha* seers of maize. The market rate of *Gondhli* at Bhandaria was 1.50 rupees for 1 Kg and paddy was selling at Rs. 1/- per Kg. So the total amount in terms of money paid to a bonded labour is :—

	Rs.	Paise
1. <i>Lukma</i> 250 gms.	0	37
2. <i>Kalewa</i> 259 grams.	0	37
3. <i>Bani</i> 3 seers or $1\frac{1}{2}$ kg.	1	50
	—	—
Total :	2	24
	—	—

1. As mentioned above the modes of payment varies from person to person. Out of the 17 persons interviewed only 3 persons, i.e. 17.6% had the privilege of getting *Lukma*, *Kalewa* and *Bani*. The working hours depend upon the season. During the maize season, the bonded one has to look after the maize field during night.

2. In certain cases, the bonded labourers are given only *Lukma* i.e. 250 gms 'Sattu' and 3 seers of paddy or 2 seers of maize as *Bani*. The bonded one has to work from dawn till dusk, at the landlord's house or field. The total amount in terms of cash, paid to the bonded labour is :

1. <i>Lukma</i>	—	Rs. 0.37 paise
2. <i>Bani</i> 3		Rs. 1.50 paise
seers paddy		
	—	—
Total :		Rs. 1.87 paise

One third of the total bonded labourers interviewed by us fall in this category.

3. The third mode of payment is that the man, who pledges to work with the *Mahajan*, on account of debt obligation is paid *Bani* i.e. 3 seers paddy or 2 seers maize and in lieu of *Lukma* and *Kalewa*, he is paid a petty amount in cash as monthly wages. It varies from Rs. 5/- to 12/- per month. One important and interesting observation which we made during our study was that the newly bonded labourers are discriminated in the matter of wages. The senior ones get Rs. 1/- to Rs. 5/- more than the juniors. About 1/4th of the bonded labourer interviewed by us get only *Bani* and small sum as wages.

4. The fourth category of bonded labourers are those who get paid monthly. The monthly pay varies from Rs. 5/- to 8/- per month. About 11.7 per cent of the bonded labourers were working only for monthly wages.

In one case a woman of about 30 years old, had borrowed Rs. 40/- from the *Mahajan* of Kamjia village for consumption purposes. Her husband Manjira Oraaon, is a landless, agricultural labourer. As job opportunities, always played hide and seek, with him, he had no opportunity, but to bond himself with another *Mahajan*. Manjira's wife also became a victim of circumstances because of their poverty and fell into the clutches of the *Mahajan* for having borrowed Rs. 40/-. Mansilo Oraaon, the bonded woman, gets Rs. 8/- per month as wages, but it is adjusted against the capital amount borrowed by her. She does not have to pay any interest on the capital but pledges to work with the *Mahajan* for 5 months and redeem the debt. In case, if she does not come for work, the *Mahajan* would charge 100% interest on the capital.

Another bonded labour who gets Rs. 5/- as monthly pay, is Anirudh Majhi, a little boy of 10 years old. The *Mahajan* does not give any food to Anirudh Majhi. He is entitled for *Kelewa*, only during paddy transplantation season.

5. We came across only one extreme case of bonded labour, in which bonded labourer does not get anything, not even food, nor his services are adjusted against the interest on the capital. The unfortunate victim is Ram Avtar s/o Gop Chand Jadav of Mutki village. He is working as 'Charwaha' (grazier). His father Gop Chand Jadav, borrowed Rs. 200/- some 20 years ago (he does not remember the exact year of borrowing) for the marriage of his younger brother, Roop Chand, bonded himself to the *Mahajan*. But after sometimes, because of family circumstances, Roop Chand separated himself from his brother and refused to work for the *Mahajan*. Roop Chand true to his words had no alternative but to bond his son to the *Mahajan*, and is still working with the *Mahajan* as bonded labour.

The payment of such a meagre amount as wages, not only to the bonded labourers but also to the other agricultural labourers, is a gross negation of the Notification issued by the Bihar Govt. under Minimum Wages Act 1948 which is supposed to be in force, since 8th February, 1974. But the tragedy of the fact is that not one of the agricultural labourers, was aware of this legal provision. The authorities too have not done anything, towards the implementation of this Act, as a result not even a single defaulter, has been brought to book.

The following table shows glaring disparity between the existing agricultural wages and the wages, the agricultural labourers are entitled to, under the Minimum Wages Act of Feb. 1974.

I Existing wages

S. No.	Category of workers	Nature of work	Wages
1.	Adult	All agriculture works.	<i>Lukma</i> 250 gms <i>Kalewa</i> 250 gms <i>Bani</i> 3 <i>Kancha</i> seer of paddy or 1½ kg. paddy.

<i>S. No.</i>	<i>Category of workers</i>	<i>Nature of work</i>	<i>Wages</i>
2.	Minor labour	-do-	<i>Lukma</i> 250 gms <i>Kalewa</i> 250 gms.
3.	Bonded	-do-	<i>Lukma</i> 250 gms <i>Bnai</i> 3 seers or <i>Kal-ewa</i> 250 gms <i>Bani</i> 3 seers or <i>Lukma</i> and <i>Kalewa</i> or <i>Lukma</i> and max. monthly pay of Rs. 12/- or Nil.

II Under the Agricultural Labours Minimum Wages Act of 1974.

<i>S. No.</i>	<i>Category of workers</i>	<i>Nature of work</i>	<i>Wages</i>
1.	Adult	All agricul-tural works.	6 seers or 3 Kg Paddy and 500 gms <i>Lukma</i> or 2 Kg rice and 500 gms <i>Lukma</i> .
2.	Minor labour	-do-	2 Kg 250 gms Paddy and 500 gms <i>Lukma</i> or 1 Kg 500 gms rice and 500 gms <i>Lukma</i> .

Causes of Indebtedness

Indebtedness is like the Pandora's box, which results in land alienation and bonded labour. All the seventeen bonded and attached labourers, were either landless or near landless. The *Mahajans* are conspicuous by the presence of 2 or more bonded labourers in their household and most of them are euphamistically called 'Harwahas' (i.e. ploughman) out of the seventeen *bandhak* mozdoors, 15 were working with the village *Mahajans* and amazingly two with Adivasis, both of the bonded labourers belonged to the scheduled caste community.

The menace of exploitation does not know the barriers of caste, creed or tribe. If given the proper opportunity a person belonging to weaker section of the society, won't hesitate to exploit his own men. To substantiate this point we would like to refer to an adivasi—Chaturgun Minz of Kanjia-Jamaut, who is the spokesman, politician and *Mukhia* of this village. He has kept Ganga Ram Ghasi, a Harijan by caste, as Harwaha, against 175 Kg of paddy borrowed by Ganga Ram Ghasi. The rate of interest is charged 100 per cent per annum.

The credit extended to these unfortunate lots by the *Mahajan* is either in the form of cash or kind and sometimes both. During the lean seasons when the people do not get any job, i.e. during June to August the *Mahajans* come to their rescue by advancing consumption loan to them at a very high rate of interest. The minimum loan taken by a bonded labour was Rs. 20/- and maximum Rs. 200/- in cash. The minimum loan taken in kind was $1\frac{1}{2}$ maund i.e. 40 Kg. paddy and maximum was 175 Kg.

The rate of interest payable on these loan, is fantastically high and is always at a compound rate, that is why the poor indebted are not able to repay their debts, which consequently results in bondage. The rates of interest varies from 50 per cent on cash to 100% on paddy loan. Only 2 persons, out of 17 bonded labours informed us that the *Mahajans* do not charge any interest, if they work regularly. Failing to do, they would be charged 100 per cent interest, Mansilo Oraon, the only lady working as bonded labour, is one of them. When our study team met her, she had come to her home, for *Kalewa* prepared by her jobless husband Manjira. Mansilo informed us that she borrowed Rs. 40/- in July from the village *Mahajan* because of abject poverty in the family. In return Mansilo bonded herself to the *Mahajan* for 5 months. She gets Rs. 8/- per month but that is adjusted against the capital borrowed by her. Mansilo is not entitled to food at the *Mahajan's* place.

Only 3 persons out of the 15 persons interviewed by us, showed awareness of the rate of interest on their debts. It is 50 per cent for cash debts and 100% on kind debts, especially paddy. Rest of the persons did not have any idea about the rate of interest. Their indifference towards this is that, since they are not in a position to pay back the debt, it is futile to know about the total debt and the rate of interest on it.

Bhagwa Kerwa, S. T., 40, is one of those persons, who does not like to ask his landlord about the total debt position and the interest on it. He initially borrowed Rs. 20/- in 1972 and since then, he has been working with the *Mahajan* for 3 seers of paddy as *Bani* and *Lukma* only.

Sarjunu Miniha B. C. O. has been bonded to Lachhman Sahu of Marda village for having borrowed 40 Kgs of paddy in 1972. Since he could not repay the debt, the *Mahajan* charged him 100 per cent interest in the first year and in the subsequent years resorted to compound rate of interest. At present Sarjunu gets 3 seers of paddy as *Bani* and Rs. 8/- per month as salary.

Our study team found that in most of the cases, the loans were taken for consumption purposes. The landless people do not have any source of income except during forest season when they are employed by the contractors. During rainy season those persons do not have any alternative but to become indebted to the village *Mahajans*. Once borrowed it is very difficult to get out of this vicious circle.

Marriage ceremonies form an integral part of their life. Although they are very poor, yet they have many false notions about social status, expenditure on marriages is equated with social status of a man, without realising the consequences of it. One does not hesitate to spend beyond one's reach and the ultimate result is bondage or mortgage. One third of the bonded labours interviewed by us, had initially borrowed for marriage purposes.

In rest of the cases their bondage was due to utter poverty in the family. Illness also is one of the main factors for their bondage.

The following table gives an idea about the pattern of indebtedness :

I. No. of bonded persons indebted in terms of cash = 12

Extent of indebtedness (in rupees)

<i>1 to 100</i>	<i>100 to 500</i>	<i>More than 500</i>
7	5	Nil

II. No of bonded persons indebted in terms of = 5 kind.

<i>1 to 50 Kg</i>	<i>50 to 100 Kg</i>	<i>More than 100 Kg</i>
1	1	3

The following table gives the community-wise break-up of debtors and creditors.

<i>S. No.</i>	<i>Caste/tribe of debtors.</i>	<i>Strength</i>	<i>Indebted to the Mahajans</i>	<i>Sch./Tribes</i>
1.	Schedule tribe	3	3	nil
2.	Backward class	7	7	nil
3.	Schedule caste.	5	4	1

The following table illustrates the reasons for taking loan :—

<i>No.</i>	<i>Caste/tribe of debtors.</i>	<i>Strength</i>	<i>Reasons</i>		
			<i>Consump.</i>	<i>Marriage</i>	<i>Illness</i>
1.	Scheduled tribes	3	3	nil	nil
2.	Backward class	7	4	3	nil
3.	Scheduled cast.	5	2	2	1

The above conclusion is based on the study of 15 bonded labourers only. Since the total number of bonded labourers interviewed is very small, it will be fallacious to generalise the reasons for taking loan of a particular community. However, the reasons for taking loans remains the same in all the class.

Out of the 15 persons interviewed by our Study Team, only two persons complained of ill-treatment by their masters, however, no cases of beatings by the *Mahajans* were reported.

Except Anirudh Majhi, the 10 years old 'Harwaha' of Bhola Sahu of Marda, all were above 20 years old. In the absence of any record about the age of the persons, it was very difficult for the Team to ascertain the age of any persons. It is all based on surmises. According to our guess the oldest bonded labour was about 55 years old.

The longest period of bondage was that of Ram Avtar who has been working with the village Sahu for the last 10 years. In rest of the cases, the bondage period ranged between one month to 3 years.

It will again be wrong to construe that indebtedness preceeds bondage. Abject poverty in the family leads one to bond himself with the village *Mahajan* without taking any loan. The *Mahajan* treats them at par with the bonded labourers.

Mangru Bhuyan, 65 (SC) and his son Rathu of Saraidih, village are living examples of human helplessness against poverty. Because of family circumstances, Mangru agreed to work for Sadhu Singh Kharwar (Schd. tribe) some 20 years ago. He was the 'Harwaha' of Sadhu Singh. With the passage of time, Mangru's family became the traditional 'Harwahas' of the Adivasi landlord. As Mangru advanced in age, his son Rathu inherited his father's profession and, since the last 10 years Rathu has been working with Sadhu Singh for *Kelawa*, *Bani* and 8 *Kathas* i.e. 0.30 acres of *Palhat* land, for his own cultivation, which is usually the most unfertile tract of cultivable land. We do not call this category of labourers as bonded labourers, because, they do not confirm to the definition of bonded labour. However, looking at the exploitation part of it they are similar to that of bonded labour. They are subjected to exploitation not because they are indebted but because the *Mahajans* know well that whatever meagre

amount is paid to these labourers, they would accept it, in the face of total absence of other employment opportunities.

The maxim of the *Mahajan* towards the bonded labour is 'Pay of Work' and in certain cases it is 'Work or starve'. Because of economic compulsions, the *Mahajans* do not have to use force to get work done.

POLICY RECOMMENDATION

1. A glance on the above mentioned points will give an impression that *Mahajan* is a monster and prompt action be taken to remove the monster from the scene.

The following table will show 'how the *Mahajans* play an important role in the tribal economy of Dhandaria block :—

<i>Total No. of house -holds interviewed.</i>	<i>Caste/tribe composition in figures</i>	<i>In percentage others</i>
	S. Tribe S.C. B. Class	
167	108 ; 64.67% 19 ; 11.37% 31 ; 18.56%	9,5.40%

out of 167 households 115 households i.e. 62.87% were indebted. The breakup as follows :—

<i>Total No. of households indebted</i>	<i>Caste/tribe composition in Figures. S. Tribes S.C. B. class</i>	<i>In percentage Others</i>
115	82 ; 71.30% 8 ; 6.95% 24 ; 20.8%	1 ; 0.88%

of the total 115 households indebted, 85.20% were indebted to the *Mahajans*/Brahmins (Money-lenders).

Unless the Govt. provide an alternative credit facility to the people any clamp put on the *Mahajan* would prove disfunctional. The Govt. can only force the *Mahajans* to strictly adhere to the minimum wages Act. In Bhandaria block, no action has been taken under this Act since its enforcement from February, 1974, although the law is violated under the very nose of the Govt. officials. The plea advanced by the

Circle Officer of Bhandaria block, for his inability to enforce the law is that no complain has been received so far from agricultural labour. But to our astonishment, all the informants of the 167 households, we conversed were not aware of the existence of such Act. It is imperative on the part of the Govt. to accuaint the common masses, with the requisite law regarding the Minimum Wages Act. and debt redemption laws.

2. By mere saying that 'bonded labour' has been abolished is not enough. The crux of the problem is to find alternative job, opportunity to those people who are likely to be thrown out of job, if the government take strict measures to abolish it. It may be amazing to many people, but it is hard fact that some of the bonded and attached labours, who get daily wages, are more happier lot as compared to their brethern, who are casual labours. In the case of the former, their job is atleast secure but the latter are uncertain about the next meal.

3. Our Study Team found that the tribals in this block are by and large landowners. Out of the total 167 households, only 21 persons including non-tribals especially, scheduled caste and backwards were completely landless. That means about 12.5% of the total households surveyed were landless. The figure of the landlessness is by no means alarming. The following table shows the distribution of cultivated area by the size of holding in Bhanderia block.

<u>Size of holding</u>	<u>Area in acres</u>
1. Less than 1 acre	404.84
2. 1 to 2 acres	985.70
3. 2.50 to 4.99	2426.70
4. 5 to 7.99	2627.38
5. 7.50 to 9.99	2301.09
6. 10 to 29.99	8469.58
7. 30 to 49.99	4083.17
8. 50 to and more	1567.33

The following table shows the pattern of landholding in the 167 households which were surveyed in 4 villages :—

<i>Area covered</i>	<i>S.T.</i>	<i>S.C.</i>	<i>B. Class</i>	<i>Others</i>	<i>Total</i>	<i>%age</i>
Totally landless	3	11	6	1	21	12.5
Below 2.5 acres	17	7	15	2	41	24.6
2.5 to 5 acres	22	—	5	1	28	16.7
5 to 10 acres	35	1	4	2	42	25.1
More than 10 acres	31	—	1	4	36	18.5

It is clear from the above table that the extent of landlessness is not very acute. But due to lack of proper irrigation, fertilizer and facilities, the yield per acre is very poor. The average yield for acre is said be 2 quintals, according to the statistics available in the block. But in fact, we found that the yield is much below 2 quintals per acre. As we have discussed that alternative job will have to be found to encounter the menace of bonded labour. There is no any shortcut to the problem. But improvement of agriculture would definately lead to the amelioration of the labourers plight. At present we found that persons having even more than 30 acres of land are heavily indebted. The reason is because of the primitive nature of agricultural methods and lack of other agricultural inputs. Shiv Shankar Singh Kharwar (S.T.) having 40 acres of land is a living example of such indebted persons.

The extension programme is awefully poor. We came across a so-called demonstration forum at Saraidih village, which seemed more primitive than the fields of other tribals.

We feel that agricultural extension programme be geared up. The farmers should be provided with adequate fertilizers, improved variety of seeds and irrigation facilities so that yield per acre could be increased. The yield at present stands at 6 to 7 *Kancha* maunds i.e. 200 Kgs per acre. Increase in agricultural out-put could absorbe more people in this profession.

In our opinion the blind implementation of the law won't fetch any results, unless the bonded ones or the agricultural

labourers are made aware of the Minimum Wages Act. The implementation of this Act is an uphill task especially in a block, where the people are illiterate, exploited, primitive and tradition-bound. The only way to overcome it is to send the school master abroad, i.e. spread of education. We suggest that VLWs and *Karmacharis*, be entrusted with the job of acquainting the people, with the legal provision of the Minimum Wages Act.

We further suggest that a Community labour system be launched in the Block. This would help people from falling prey to the *Mahajans*

Last but not least, the Debt Redemption Act should be enforced with full vigour and the defaulters, should be brought to book.

CASE HISTORIES

I

Gop Chand Jadav, 52, an Ahir by caste, is a resident of Mulki village, which is in the lap of beautiful hills of Bhanderia block of Chotanagpur division. He is near landless having less than 2.5 acres of land. His family consists of 9 persons. Although by tradition, he is supposed to be a dairyman, but in fact, he has a couple of cows, the yield of milk is negligible because of the poor breed and lack of proper nourishment. One of his sons, Ram Avtar Yadav has been working rather bonded to the village *Sahukar*, Ganesh Sahu for the last 10 years, as Gop Chand puts it. The reason for bondage was the paltry amount of Rs. 200/- which Gop Chand borrowed from the *Sahukar* for the marriage of his younger brother, Roop Chand Yadav, some 20 years back (He does not remember the exact year). Soon after the loan, Roop Chand was bonded to the *Sahukar*. But after sometimes because of certain family circumstances, Roop Chand, got separated from his elder brother and refused to work with the *Mahajan*. Poor Gop Chand, true to his words, had no alternative but to bond his

own son to the *Mahajan*. The interest on the capital is said to be 25%. Since the time, he contracted the loan, he has been repaying and reborrowing from *Sahukar* because of abject poverty in the family. At present the debt stands at Rs. 450/-

Ram Avtar has to work with the *Mahajan* on about 7.30 a.m. to dusk, looking after the cattle of the Sahu. Ram Avtar does not get any salary, not his services are adjusted against the capital on interest, due to the *Mahajan*. He even does not get food, which is very peculiar, because in most of the cases, the bonded or attached labourer are given either (*Lukma*) breakfast i.e. 250 gms *Gondhli* (*pani cum Milaire*) and *Kalewa* and in certain cases both.

There is no Sunday or holidays in the calendar of Ram Avtar. The *Mahajan* won't let Ram Avtar, unless the amount borrowed by his father Gop Chand is paid back. But under the circumstances in which the family is living repayment of Rs. 450/- is really impossible. During these days i.e. July-August, they are living on 'Chakwar' a wild vegetable and *Gondhli* with no avenues of work around. Ram Avtar has no escape, but to cling on to the job and resign his fate to God.

II

Anirudh Majhi a 10 years old, small, smiling, little kid, who should have been in a School, with his little satchel and friend around, is in fact working with the village *Mahajan*, Bhola Sahu of Marda, which is located 4 miles off Bhanderia, for the last one year. When asked as to what job he does for the Sahu, he replied with pride 'I am a Harmaha' (a ploughman). But there was lurking innocence in his pride. Anirudh does not know the con for which he has to work with the *Mahajan* for 2 seer of maize or 3 seers paddy as *Bani* per day, in addition, to that he get Rs. 5/- per month as salary.

He does not get any food during the day from the *Mahajan* except during paddy transplantation season when he gets

Kalewa in addition to the usual *Bani* and Rs. 5/- per month. His mother, who is a widow is a casual labourer, and a landless too. She has two small daughters and a son (Anirudh Majhi). Because of abject poverty, she has no alternative but to go to the *Mahajan* for her daily needs. Consequently, it resulted in the bondage of Anirudh Majhi to the Sahu. When asked as to what he does with the Rs. 5/- which he gets monthly. Anirudh replied innocently "The *Mahajan* never gave me the money" perhaps, his mother collect it. Rather, it is adjusted against the debt, which his mother has incurred, through purchasing commodities of daily needs. Here the bond to work with the *Mahajan*, knowing fully well the helpless plight of the family does not compel him to work, if he refuses to do so. But, this would naturally result in stopping credit to the poor family. If the *Mahajan* does so, this would lead to starvation of the poor family, which they cannot afford to do so. Thus, the *Mahajan* taking undue advantage of their economic condition has surreptitiously bonded Anirudh.

III

Sarjunu Bumihar (B. C.) has been bonded to Lachhman Sahu of Marda village in the Bhardaria block of Palamau district. Initially he borrowed 40 Kg of paddy in 1972 from the *Mahajan* for consumption purposes. He agreed to work for the *Mahajan* as 'Marwah' till the time, he repays the debt. But, poor Sarjuna did not know the economies of the *Mahajan*. The interest charged was 100% for the first year i.e. 40 Kg paddy borrowed in 1972 became 80 Kg in 1973 and at compound interest rate it became 160 Kg. Compelled by the circumstances he had to borrow 40 Kg of paddy again in 1974 at the same compound interest rate. He does not have any escape from the bond, unless he repays it. But for a poor landless person like Sarjunu, having no avenues of other income, it is just impossible to pay back, under these circumstances, Sarjunu gets only 2 seers maize or 3 seers paddy as *Bani* in

addition to Rs. 8/- per month as wages. He has to work through out the year. In case of absence, some amount is deducted from his money pay.

IV

The instinct of exploitation does not know any caste, tribe or creed, if one gets the proper opportunity for exploitation. In this case an Adivasi Chaturgan Min the spokesman of village Kanjia (Jamauti). The so-called tribal politician and the *Mukhiya* of the Panchayat himself has employed Ganga Ram Ghasi a Harijan by caste, as attached labour for having borrowed 7 maunds of paddy (i.e. 175 Kg) in 1972 at 100% interest for seed and consumption purposes. Ghasi Ram worked for 2 years for Re 1/- per day and food as wages. But this year, his landlord has promised to give him 175 Kg paddy at the end of the year, in addition to the daily food. But he won't get Re 1 per day, which he earlier used to get. But the paddy thus earned would be adjusted against the interest on the principal borrowed by Ghasi Ram. One concession which Ghasi Ram enjoys is that during festivals he gets leave whereas the *Mahajans* do not give this concession.

V

Mansilo Oraon 30 years w/o Manjira Khazur Oraon of Kanjia (Jamauti) village is bonded to Rajinder Jaiswal (*Mahajan*) of Kanjia village in Bhanderia block. Earlier her husband Manjira Khazur had borrowed Rs. 100/- from the same *Mahajan* for which Mansilo too was made to work for one year with the *Mahajan* for Rs. 8/- per month as wages. She did not get any food or cloth from the *Mahajan* for this period. As the family is near landless, they have no alternative but to book for casual jobs. Because of circumstances, Mansilo borrowed Rs. 40 in June 1975 and the Mahajan, in turn asked her to work at his household. At present she is working at Rs. 8/- per month as wages but she does not get food from the *Mahajan* although her job is to cleaning utensils

and washing cloths etc. When I interviewed her she had come for lunch at her house. As the husband Manjira Khazur did not have any job, he was cooking the food and also looking after the two small kids, in the absence of his wife. The *Mahajan* does not charge any interest and the monthly payable to Mansilo is adjusted against the capital amount borrowed by her. Thus we see she hopes to redeem the debt within 5 months provided circumstances do not compel her to borrow again. But under these circumstances in which the family is living, it won't be a surprise if she borrows again and further bonds herself with the *Mahajan*. Mansilo has to work from morning till evening with small interval for lunch which she takes at her own house.

VI

Bhagwa Korwa (4) (Adivasi) is a living example of human misery. He is landless but has a family of 6 persons out of which 4 are children. When asked as to how many *Thalis* he has (Household sch. V) he replied sarcastically "Sahib Jab Khane Ko Nahin To Thali Kya Karen" meaning thereby, when there is nothing to eat, what to do with *Thali*. Compelled by poverty, he had no alternative but to fall prey to the *Mahajan* as attached labour for a meager 3 seers of paddy as *Bani* and *Lukma*. He borrowed Rs. 20/- at Rs. 50% interest rate 3 years back and Since then he has been working with the *Mahajan* at the abovesaid wages. The *Mahajan* has fully grasped the miserable plight of Bhaghwa and this compels him to work for the meagre wages or die a death of starvation. He mostly works in the fields of the *Mahajan*. Asked as to the total debt position at present, he said 'Sir, I do not know'. He thinks that since he is not in a position to pay back the debt it is futile to ask from the *Mahajan* about it.

VII

We met Mangru Bhuyan, 65 a Harijan by caste with a bundle of *Gondhli*, just collected from his masters field. Bhangru

is a victim of circumstances. He is completely landless. His son Rathu is working with Sadhu Singh Kharwar (Adivasi) of Saraindih village of Bhanderia block since for the last 15 years. Earlier that Mangru, himself had worked with Sadhu Singh for about 10 years and now Rathu is carrying on the family tradition, by working with Shri Sadhu Singh. He has been given a *Palhat* land of about 8 *Kathas* i.e. 0.25 acres. In addition to it, he gets *Kalewa* and *Biari*. Since the *Palhat* land is always the most unfertile tract of land, the production too is very unpredictable. The yield varies from 5 Kg per year to 60 Kg per annum. Rathu's mother and father (Mangru) also work as casual workers in the field of others. But because of their age, it is very difficult for them to go for work like his father Rathu. He is also a victim of circumstances in the sense that he has to work with Sadhu Singh at such a meagre wage not because he or his father is indebted to him but because there is no way out for him. Rathu work as a *Harwaha* in the fields of Sadhu Singh. His younger brother has run away from home a couple of weeks ago to escape the 'clutches of starvation' as the old man (the father) puts it. The old man was in tears while narrating about his runaway son.

VIII

Sohar Ram, 35, of Saraindih village is a Harijan by caste. He owns only 1 acre of land which is nothing for a family of 12 members. In February 1975 he borrowed Rs. 100/- from Bighu Sahu, the Mukhia of Goverdah. He does not have to pay any interest as his services are set off against the interest. He gets *Lakma* i.e. 250 gms 'Sattu' of *Gondhli* and 3 seers paddy or 2 seer maize for a day as *Bani*. He will be bonded to the Sahu, till the time he repays the debt. Will Sohar Ram, who has to work throughout the year at a very low wage be able to pay back the money borrowed by him? But looking at the abject poverty in which he is living and also wages he gets, the answer is anybody's guess.

IX

Sukh Lal Kharwar, 50, is a resident of Mutki village 12 miles of Bhanderia. When our Study Team visited the village, he was found working with Suman Sukhlal, the village *Parmukh* and also the Chairman of Bhanderia Panchayat Samiti. On enquiry, it was found that he has been working with the *Pardhan* for the last 10 years, not because he was indebted but because of forced circumstances i.e. no work. This was the first case encountered by the Study Team, where a Kharwar who are comparatively well off at least in terms of land-holdings, was a landless and bonded to the *Pardhan*. I call it bonded not because there is any compulsion on the part of *Pardhan* to work with him, but because of the forced circumstances, which has put a clamp on his freedom, unless some other job opportunities are provided. At present Sukh Lal gets *Lukma* and 3 seer of paddy as *Bani*. His job is mainly concerned with agriculture. He gets one day off every week. His family consists of 4 members, including two children. One of his sons Ram Prasad aged 12, also works for the *Pardhan* at the same wages. Sukh Lal's wife works as a casual labourer. The day we interviewed Sukh Lal, she had gone to collect 'chakwar' (a wild vegetable) for the family.

X.

Pardesi Majhi, 30 years, a landless belongs to a backward community of Saraindih. His family consists of 7 members including 5 children. He is not only landless but a homeless too. He is residing in a house which belongs to Hari Majhi also of the same community. While he himself is bonded to Lachhman Sahu of Marda for Rs. 60/- at 50% interest, his two little sons aged between 10 and 12 years, do variety of odd jobs, with the villagers, wherever they get two square meals. Pardesi Majhi has been working with the *Mahajan* for the last 6 years, yet the Rs. 60/- debt could not be redeemed. He only remembers the initial borrowed 6 years ago. The debt at compound interest rate must have accumulated considerably but he never bothered to ask about it, as he does not have any

means to pay it back. At present Pardesi gets 2 seers maize as *Bani* and Rs. 12/- per month. During paddy transplantation season he gets *Kalewa*. The wages are too low to subsist.

XI.

Mahavir, 27, s/o Pandu of village Saraindih belongs to Buirihar a Backward class. In 1972, Mahavir agreed to work with Lachhman Sahu of Marda, as his *Harwaha* for *Kalewa*, 2 seer maize as *Bani* and Rs. 10/- per month as wages. At that time, poor Mahavir did not know that coming circumstances would force him to bond himself with the *Mahajan*. In 1973 Pandu, Mahavir's father borrowed 5 maunds of paddy (i.e. 125 Kg) for consumption proposed from the *Mahajan*, at 100% interest, which consequently takes the ugly shape of compound interest. As Pandu is a labour he could not pay back the loan and the paddy borrowed started accumulating at a fantastic geometrical proportion. Asked as to when Mahavir thinks the debt will be redeemed, he replied "Sir, we do not have any resources to repay and perhaps I will have to work for 10 to 15 years or may be more". Asked about the Minimum Wages Act, he was quite ignorant.

MODUS OPERANDI OF MONEYLENDERS

Socio-economic Survey of Bhanderia block reveals that 63 percent families in the block are indebted. Out of this 85 percent families are indebted to Land-lords and moneylenders. This indicates that Government and institutional credit available in the Block is insufficient to meet local credit requirements. As a matter of fact such credit is almost non-existent for meeting consumption requirements. Consequently money lending business flourishes in the area.

Mahajans hailing from Chainpur Block in Bihar have spread all over the tribal belt and have come to occupy through money

* None of the persons, interviewed by the Study Team was aware of the Minimum Wages Act 1974, promulgated by the Bihar Government.

lending business a central place in the local economy. Majority of moneylenders in the area are nontribal (*Mahajans* and Brahmins) who have come in the last ten to twenty years. All of them came to these areas as desitutes. Today they cultivate large farms, keep a number of attached labourers, occupy central position in Panchayats and take full advantage of Government development programmes which are meant for tribals mainly.

Two cases on the point, are of Sumant Shukla Sahu of Mutki Village and of Ram Shakal Sahu of Baragar village, both of them are *Mukhias* of their respective villages. Sumant Shukla started his career in the block as a *Karmachari* and Ram Shakal as a liquor vendor some 15 years ago. Today both of them own 30 to 40 acres of agricultural land. Both of them have got 20 feet Diameter wells built and tubewells installed in their fields from T. D. Fund Subsidy. In 1974-75 both of them had wheat Demonstration Farms in their fields again financed from T. D. Fund. Sumant Shukla is a member of *Zila Parishad* and Secretary of *Baragar Multipurpose* co-oprative Society. Both of them are big moneylenders.

Some of these moneylenders employ rogues and *gundas* to terrorise local inhabitants. Government administration seems to be entirely oblivious to their activities. They enjoy almost the status of moving kings in their respective areas.

On 5th September, 1975, during the course of our Socio-economic survey in the block, we had gone to Marda village, there we met a number of villagers who were coming from Baragar and Mutki villages. They were all going to Block-head-quarters for obtaining *Taccavi* loan. On enquiry it transpired that many of them had no cereal food for last many days. They were totally unaware of laws relating to minimum wages payable to agricultural labourers, laws relating to bonded labour and debt redemption. While some one was explaining these laws to them (about 50 to 60 in number), Ram Shakal Sahu of Baragar village came on the scence. He was escorted by two attached labourers. One of them was carrying a gun

on his shoulders. He too was going to the block to testify land holdings of his villagers and thereby to help them obtain *Taccavi* loan. Asked as to why was he carrying a gun, he said to defend himself from wild animals.

The villagers, who were all bubbling out their grievances became totally meek and silent as soon as they saw Ram Shakal Sahu passing by. Not even a single word any one of them dared to utter until he had left the place. It is only when he had gone more than a furlong away that their voices became audible. Such is the state of terror in which moneylenders keep local people there.

List of prominent moneylenders operating in the block is given below :—

<i>Name of Village</i>	<i>Name of Moneylender</i>	<i>Caste/tribe</i>
1. Nauka	(i) Avadh Bihari Sahu	Jaiswal Bania
	(ii) Chutur Sahu	Kesarwani ,,
2. Bhandari	(i) Shyam Narayan Prasad	Jaiswal Bania
	(ii) Islam Miyan	Muslim
3. Baragar	(i) Ram Shakal Sahu	Jaiswal Bania
	(ii) Jagdish Sahu	-do-
	(iii) Sahadeo Sahu	-do-
	(iv) Raghu Teli	Teli Bania
4. Marda	(i) Lachman Sahu	Kesarwani Bania
	(ii) Triveni Sahu	-do-
	(iii) Avadh Bihari Sahu	Taiswal Bania
5. Mutki	(i) Sumant Shukla	Brahmin
	(ii) Ganesh Sahu	Bania
6. Kanjia	(i) Rajendra Singh	(Not recorded)
	(ii) Chaturghun Ming	Scheduled Tribe
7. Saraidih	(i) Safaiyat Hussain	Muslim

None of these moneylenders has obtained licence from the Circle office to operate as a moneylender as is incumbent on them under the Bihar Moneylenders Act, 1974.

Debts are mostly contracted in the months of June, July, August and September. In June and July (Kharif sowing period) loan is contracted for paddy and maize seeds. In July, August and September, loans are contracted for consumption purposes. During these days, local people have practically no food in their homes. Because of rains, forest work is discontinued and no public work is taken.

THE LENDING SYSTEMS

There is no one uniform pattern of money lending in the area. Quantum of loan and rates of interest vary depending on (a) status of the debtor ; (b) security offered for the loan ; (c) purpose of the loan ; (i) the form in which loan is taken i.e. whether in Cash or kind. Rates of interest on loan are usually low for rich, influential and higher caste people. A case of the point is of Jagdish Oraon (S. T.) who is the *Sarpanch* of Kajia Panchayat. He has borrowed Rs. 580/- from Rajendra Sahu, owner of Kanjia Fair Price shop. Jagdish does not pay any interest to Rajendra on the loan because of his position in the Panchayat.

In another case, a *Halwai* (Bania by caste) had borrowed Rs. 700/- from another *Bania Mahajan* of Baragar village. The debtor pays 36 percent interest per annum on the loan.

It will be seen below that person belonging to Scheduled tribe/Scheduled caste/Backward classes who are both poor as well as non influential pay much higher rate of interest on the loans.

1. Loan advanced on the security of Land.

The commonest method of securing loan is by mortgaging the land in favour of the creditor. Creditors obtain the possession of land under usufructuary mortgage. The mortgage may be either *Patwatan* or *Jarpeshgi*. In the former type of mortgage, possession of land is held by the creditor for a fixed number of years. At the end of this period loan is extinguished

and land is returned to debtor. In *Jarpeshgi* type of mortgage, usufruct of the land gets adjusted against interest on loan advanced to the debtor. Principal amount of the debt stands. As and when principal debt is repaid possession of the land is retransferred to the debtor.

Our Survey report shows that 22.60 percent of the indebted families in the block alienated their lands for securing loans. On an average, for obtaining Rs. 175 by way of loan, 1.35 acre of paddy land is mortgaged on *Patwatan* for a period of 5 years.

For smaller amounts of loan, lands are generally mortgaged by way of *Patwatan* and for larger loans, by way of *Jarpeshgi*.

Halkan Singh, S/o Balgovind Singh, Kharwar (S T.) of Ramar Marda village had borrowed Rs. 100/- from Habib Miyan of the same village and mortgaged 8 acres of his land with him for 5 years for the loan. At the expiry of the loan period (5 years) Halkan Singh paid back Rs. 100/- (2 goats worth Rs. 40/- each and Rs. 20/- cash) and demanded back his land. But the moneylender refused to give it back saying that land has become his own property. Halkan Singh still pays the land revenue. He has applied to the authorities for restoration of his land.

2. Loans advanced on the security of standing crop.

A loan can be obtained on the surety of standing crops in the field. In such cases, moneylender estimates the likely produce in the field and then an amount equal to one forth of the price of output likely to be produced is paid to the owner of the field. The crop when ripe, is taken away by the moneylender and the loan becomes extinguished.

One acre of paddy land can on an average produce 3 quintals paddy worth Rs. 300 @ Re. 1/- per kg. in the area. Moneylenders will advance upto Rs. 75/- at any time while the crop is standing in the field. When the crop ripens, entire produce is appropriated by the moneylender and the debt is discharged.

3. Loans advanced on the security of Jewellery and Household wares :

Pledge of jewellery and household wares is also quite common in the area for obtaining loans from *Mahajans*. In case of pledge, rough value of the goods pledged is estimated. And then amount equal to maximum of 50 percent of such value is advanced to the pawner on the condition that he shall have the right to redeem goods pledged within a fixed period. If the goods are not redeemed within the specified period, they become the absolute property of the creditor. The amount necessary to redeem the goods is calculated thus—Principal amount + Interest on the principal amount for the period of loan calculated @ 75 to 150 per cent per annum.

Our survey report reveals that 10.45 percent of the indebted families in the Block have pledged their ornaments and household utensils for securing loans.

Tapeshwar oraon of Jamanti village has pledged his brass utensils weighing 4.500 kgs for obtaining a loan of Rs. 30/- in the month of June, 1975 at an interest rate of 2 Annas per one rupee per month. If the loan is not repaid by December end together with the interest, the brass utensils will be appropriated by the creditor.

Jitan Singh Khanwar (S.T.) of Johnikhar village informed us that *Sarpanch* (S.T.) of his village owns nearly 80 acres of land. He has indebted majority of the villagers and has taken most of their ornaments as security for loans. Jitan Singh is himself heavily indebted. He has alienated most of his land (4 acres) under usufructuary mortgage to various moneylenders. He had borrowed Rs. 40/- from Ghuramal Sahu of Bohla, Godarmana for the marriage of his son and for this he had pledged half seer of his silver ornaments with the creditor. As he could not repay the debt, the ornaments have been appropriated by the moneylender.

Amra Singh Kharwar (S.T.) of Saraiditi village has taken three loans of Rs. 30/-, Rs. 125/- and of Rs. 100/- in the month of June and July this year from Shivrindan Sahu of Godarmana, Chaletar Sahu of Madgari and from Lohar Singh of Roda village at the interest rates of 50 percent per annum on first loan, $1\frac{1}{2}$ annas per one rupee per month on the second of paddy land on Patwatan for a period of four years. He took the first loan for buying clothes, second loan for buying seeds and the third loan for meeting consumption requirements. For obtaining the Second loan of Rs. 125/- he pledged his silver ornaments with the creditor (weight of silver ornaments not recorded).

4. Loans advanced to landholders without security.

(On condition of its repayment in kind, usually paddy)

Such loans are advanced in the months of July and August when paddy crop is already sown in fields and the money-lender is satisfied that sufficient quantity of paddy will be produced as will repay his loan.

For each one rupee of loan the debtor has to give 2 kgs. of paddy to the creditor in December after harvesting the paddy crop.

If the debtor fails to repay the loan in paddy as above, next year he has to pay double the quantity of paddy unpaid and so on.

If the quantity of paddy so payable exceeds the annual production of debtor's land, possession of his land is taken over by the creditor on usufructuary mortgage. Once such possession is obtained by the creditor, no more interest is levied on the debt quantity. Debtor can then obtain back possession of his land only by tendering such quantity of paddy as was due from him on the day possession of the land was taken over by the creditor.

5. Loan advanced without security of landless/ near landless.

In lean season from July to November when poor agricultural labourers have neither anything to eat nor any money to buy they approach landlords for obtaining loans usually in kind (Maize, paddy, *gondhli*, salt etc.). Loans are advanced to such persons under the condition that twice the value of goods so loaned will have to be repaid at the time of harvesting (November to January). If the debtor fails to pay by that time, he will have to work in the fields of the landlord on a wage rate on Rs. 3/- or 3 seer paddy per day. This wage of Rs. 3 or 3 seer paddy is adjusted against the loan (Principal amount and interest @ 100 percent per annum). The debtor keeps on working in the fields of the landlord until whole of his debt is cleared off. During the period when the debtor is so working in the fields of the landlord, he even does not get anything to eat. In some cases, like the ploughmen working in the fields of Sumant Shukla of Mutki village, we found that the debtors used to get *Lukma* (250 gms. *sattu* at the lunch time) for food daily.

6. *Palhatiya* System (Attached labourers).

Sometimes landless/near landless agricultural labourers enter into a yearly work contract with landlords. Under the terms of the contract, either 2 to 3 quintals of paddy or 7 to 8 *kattas* of paddy land is given to the labourer. In return the labourer works for about 8 months in a year (sowing, cultivation and harvesting period) in the fields on the landlord from sunrise to sunset. Landlord provides him daily *Lukma* (250 gms. *sattu* for breakfast) and *Kalewa* (550 gms. *sattu* for lunch). On *Karma* festival, if the landlord is benevolent, the labourer gets one *dhoti* also. During the days when the labourer does not go to work on the fields of the landlord, he does not get *lukma* and *kalewa*.

Almost all the big landlords keep 8 to 10 attached labourers with them.

7. Bonded labourers.

Totally landless labourers, usually belonging to scheduled caste/backward classes, sometimes need large amounts of money (about Rs. 500) for family purposes like marriage, medicines, legal expenses etc.

To obtain such loans the labourers bond themselves with moneylenders. Once bonded these labourers keep on working day in and day out on the fields of the landlord. Their wages are adjusted against interest on the loan which they have taken. Principal amount of loan stands and until it is repaid bondage persists.

The bonded labourers get *Lukma* (250 gms. *sattu* for breakfast) and *Kalewa* (250 gms. *Kalewa* for lunch) for full day's work. If they look after the fields of the landlord in night or give fodder to animals early in the morning, they get *Biyari* (250 gms. *sattu* for dinner) also.

Sita Bhuiyan (S. C.) had taken a loan of Rs. 100/- in the year 1972 from Dukhi Sahu of Baligarh for the purpose of buying medicines for his ailing daughter and bonded himself with the moneylender for the repayment of interest on Rs. 100/-. He works in the land of Dukhi Sahu all through the year. The only days on which he does not go to work are the days when he falls ill. Daily he gets 100 gms. *Lukma* (Breakfast), 500 gms. *kalewa* (Lunch) and 500 gms. *Biyari* (Dinner) made of *Khurtti*, maize and *gondhli*. In the 3 years period of bondage he has further borrowed Rs. 200 from Dukhi Sahu. He feels that because of poverty the debt can not be discharged and therefore he will continue to remain bonded ever.

Phagu Bhuiyan (S. C.) son of Bujhwan Bhuiyan is similarly bonded with Naresh Sahu of Gobardaha for Rs. 250/- which he had borrowed for his own marriage.

Survey report of the block reveals that 6 percent of the indebted households have pledged their labour, either as attached labourers or as bonded labourers, to the moneylenders for securing loans.

8. Credit provided by *Parchunias* for consumption of Liquors.

Parchunias are the liquor vendors who carry liquor from Licensed outstill shops to different villages and sell it there either door to door or at a fixed place in the village. Generally liquor is sold on cash basis. But during four months from July to October liquor is sold on credit as well. During these days local people do not have money to buy liquors and paddy crop is still young.

One bottle of *Mahua* 750 ml. costing Re. 1.00 is sold on credit under the terms that it will be repaid in kind at the time of harvesting (Nov.-Dec.). The repayment quantity is one *Panseri* (3.200 kgs.) of paddy or maize (costing nearly Rs. 5/- at present rates) for one bottle of *Mahua*.

9. *Madrasi* System of Moneylending.

Mohammad Harif & Co. of Madras operates its own credit system in the area. Money is advanced to local people on reference by some person known to the *Madrasi*. The system of lending is like this. For a loan of Rs. 20.00, Re. 1/- is deducted at the time of paying money to the debtor as 'nam likhayi' (noting charges). Repayments schedule of this loan is Rs. 2.50 per week in 10 weeks. Every week on Saturday *Madrasi* goes to the home of each debtor and recovers due instalments. In case of defaults physical violence is threatened. In most cases due payments are made. Rate of interest on these loans comes to as high as 150 per cent.

10. Lending of Bullocks against labour.

Agricultural farmers who do not have bullocks for ploughing their fields, go to big landlords and work in their fields as a ploughman for 2 to 4 days. In return, such farmers get a pair of bullocks for one day for ploughing their own fields. During the days when the farmers plough fields of the landlord, they get *Lukma* (250 gms. *sattu* for lunch). Sarhulwa Korwa (S. T.) or Mutki village owns 6 acres of *Tour* land. He does not have bullocks to plough his fields. He borrows the bullocks of Ramvichar for one day and in return works in his fields for two days as a ploughman. During the days when Sarhulwa works as a ploughman in the fields of Ramvichar, he gets *Lukma* and *Kalewa* for food by way of wages.

Duration of the Loans.

Survey report of the block reveals that 90 percent of the loans, other than the loans taken on the security of land were contracted within one year i.e. in 1974-75 period beginning from June, 1974. This indicates that the local people usually contract short term loans and in most of the cases they repay it at the time of harvesting Kharif crop (November-Jan.).

During the course of our survey in the block, we did not come across a single case where a moneylender had resorted to actual physical violence against a debtor in order to realise his loan. The most that moneylenders do is to threaten defaulting debtors with forcible recovery, physical violence and police action without ever employing it in practice.

Local inhabitants so much monetarily depend on and are psychologically dominated by these moneylenders that simple threatening sufficiently persuades them to repay even if it involves borrowing elsewhere.

PURPOSE OF LOAN :

Survey report of block reveals that nearly 74 percent of the indebted families contracted loans for buying food, clothes, salt,

oil etc. ; 35 percent for buying seeds ; 9 percent for meeting marriage expenses and another 3 percent become indebted for buying medicines.

Not a single informer divulged the true amount which he borrowed for or spent on consumption of liquor. Usually liquor is sold on cash. And the source of this cash is either borrowing or the sale proceeds of farm and forest produce or the wages earned from daily work.

MAIN CAUSES OF INDEBTEDNESS :

There are numerous causes which conspire together leading to situation of utter poverty and consequently to indebtedness. More important of these causes are elaborated below.

(a) *Agricultural Backwardness* : Agriculture is the main occupation of local inhabitants in the Block. However, the mode and extent of cultivation continues to be primitive. Inspite of owning agricultural land extending to as much as 40 acres area, farmers are able to produce only so much as can feed their families for a maximum period of six months. Apart from the poor quality of soil there are many other reasons responsible for such a low productivity—(1) Bhanderia block is drought prone area. Year after year paddy crop is badly hit by drought in the months of August and September at the time of seeds flowering ; (2) Farmers believe in extensive cultivation and in broadcasting method of sowing seeds. Each farmer tries to store maximum quantity of paddy seed every year and depending on the availability of finances, seeds are broadcasted over the entire land ignoring the quantity, quality and spacing requirements of seeds on that land with the result that there is no proper planting of crops. Lot of cultivable land is also wasted in the process. (3) Farmers generally use *desi* variety of seeds which have a low yield. High yielding variety of paddy has not been liked by most of the farmers on being very costly. Moreover H.Y.V. seeds need proper dosage of fertilizer and water, neither of which is available in the block in the needed quantity and at the needed time. (4) Only 50

percent of the agriculturists in the block own bullocks. Those who do not, go to the fields of big landlords and after working there as a ploughman for two to three days obtain a pair of bullocks for one day. In the process poor farmers are not able to plough their fields in desired manner. (5) Once a crop is planted, it is left to grow and ripe by itself. Farmers do not weed out wild growth from the farms with the result that the nutrition value of the soil is retarded and the quality of crop becomes quite poor. (6) Local farmers do not properly fence their fields. Wild animals and pets cause considerable damage to the crops on the fringe of fields. (7) Agricultural farms are usually small, fragmented and widely dispersed. This inhibits farmers from making capital investments in their fields.

Addiction to Liquors :

One of the most peculiar characteristics of tribals in South Bihar is their addiction to liquors. *Mahua*, a country liquor, is freely available in licensed shops all through the year. Illegal selling of *Mahua* through *parachunias* (liquor vendors) is also quite common.

During the harvesting season from November to February tribals consume as much as 5 to 6 bottles of *Mahua* each daily. All the family members including women sit together and consume liquor in cups made of *Mahua* leaves. In the process whatever little surplus income is generated from land and forests is spent. In lean season from June to October, the quantity of liquor consumed is considerably reduced for want of money. Most of it is then drunk on credit at exorbitant rates of interest.

Addiction to liquors not only involves frittering away of farm produce but it also entails heavy indebtedness both in cash as well as in kind.

(c) Low Wages :

Daily wages of agricultural labourers in the area are extremely low. In spite of the fixation of minimum wages of agricultural labourers by Bihar Government, they are paid nearly half the statutory minimum. Normally daily wages of an agricultural labourer in the area are (1) 250 gms. *Lukma* (cooked *sattu* for breakfast), (2) 250 gms. *Kalewa* (cooked *sattu* for lunch) and 3 seer (1.900 kgs.) of *Bani* (paddy). In cash it works out to be maximum Rs. 2.50 per day. By law minimum wages should be Rs. 4.75 per day.

Low income from daily labour does not suffice consumption requirements of the labourer's family. They are consequently forced to borrow from moneylenders.

Economic opportunities in the area are so limited and pressure on land so heavy that in lean season twice the number of labourers employ themselves on a job on half the prevailing wage rates and then share the wages equally amongst themselves.

(d) Absence of Marketing Infrastructure :

In the absence of a proper market minor forest produces like *Mahua*, lac, *palas* and *kusum* seeds etc, which local people collect from forests, are sold/bartered at very cheap rates to local moneylenders, for ropes, mats and other wood and bamboo preparations in which local people have an expertise, there is no market. The result is that the local people have no subsidiary means of supplementing their incomes. They have to fall back on land and forests for their daily needs.

Awareness of laws relating to money-lending debt redemption :

Survey report of the block reveals that not even a single person in the area was aware of the provisions of Bihar Money-lenders Act, 1974 under which moneylenders are compulsorily required to obtain registration from the Circle Officer before

they can lend money to any person. The same is true for the Bihar Scheduled castes, Scheduled tribes, Backward classes and Denotified Tribes Debt Relief Act, 1974 which provides for relief from indebtedness to Scheduled debtors. When the local people were explained provisions of these laws, their reaction was one of indifference. Many of them did say that they hardly had the capacity to dispute debts or high rates of interests, which, a *Mahajan* alleges, is outstanding against his name. One of them even said that it is those moneylenders who provide credits to us at the time when we need it most. By fighting with them we shall loose even these means of our survival.

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APPENDIX—I

Extracts From The Reports Of The Commissioner For Scheduled Castes And Scheduled Tribes On Forced And Bonded Labour.

REPORT FOR 1951

Traffic in human beings and begar and other similar forms of forced labour have been prohibited under Article 23 of the Constitution and any contravention of this provision has been declared an offence punishable in accordance with law. The State is however, empowered to impose compulsory service for public purposes, but no discrimination can be made while imposing such service on grounds of only religion, race, caste or class or any of them. Forced labour in India is practised generally on the working classes. As some of the Scheduled Castes and Scheduled Tribes are also working classes, I think it proper to make a mention of this subject in my report.

2. I understand that in August, 1948, an officer on Special Duty was appointed by the Ministry of Labour of the Government of India to study the various legal enactments and all other available literature on forced labour and to submit a report indicating the extent to which existing legislation was inadequate for stopping forced labour, what further legislation was required for stopping forced labour, and which of the defects could be cured by administrative actions. It appears necessary to mention here the reasons that led to the appointment of the Officer on Special Duty. At its 14th Session held in Geneva in June, 1930, the International Labour Conference adopted a draft Convention requiring all member countries to abolish forced or compulsory labour in all its forms within the shortest possible period. "Forced or Compulsory Labour" has been defined in the Convention as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".

As required by the I.L.O. Constitution, the Convention was placed before the Legislature in 1931 and both the Houses adopted it as in the following resolution :

“While considering that the Draft Convention on forced labour could not be ratified until Article 2 thereof is modified so as to exclude labour exacted under the Criminal Tribes Act, the Good conduct Prisoners’ Probational Release Act and other similar social legislation in force in India, this Assembly/Council recommends to the Government of India that they proceed to take action on all other provisions contained in the Draft Convention and the Recommendations as soon as may be practicable”.

The Resolution was accepted by the Government of India and in order to give effect to it, the State (then Provincial) Governments were requested to :

- (i) take steps to abolish at the earliest possible opportunity forced or compulsory labour for the benefit of private individuals, companies or associations ;
- (ii) modify any enactment of the local legislature which permitted the use of forced labour or compulsory labour for public purposes within the transitional period of five years allowed by Article 1 of the Convention ; and
- (iii) issue such executive orders as might be deemed advisable to secure the objects in view.

The various Darbars were also asked to take such action on the Convention as might be considered suitable and necessary in the individual circumstances of each State. The Government of India also examined the Central Acts with a view to amending such Acts as permitted the employment of forced labour. The Bengal Regulations, 1806, and certain Law Revenue Acts were so amended as to stop the use of forced labour by private individuals or landlords. Administrative

instructions were issued by certain State (then Provincial) Governments to stop the use of forced labour by touring officers. Many Indian States also enacted legislation on the subject of forced labour. The question whether an enquiry into the incidence of forced labour was still necessary was discussed by the Provincial Labour Ministers at a Conference held in November, 1947, and it was unanimously decided that it should be undertaken as it was felt that forced labour was prevalent in certain States and it would not be possible to tackle the subject effectively without a general enquiry. However, on account of financial stringency, the proposal could not be given effect to. In order to take a fresh decision whether it was necessary to set-up a Committee of Enquiry, the appointment of the Officer on Special Duty referred to above was made in August, 1948.

3. I have not been able to examine the Report submitted by the Officer on Special Duty as the Ministry of Labour had no copies to spare. They are, however, having the report printed soon. It is understood that the Officer on Special Duty has adopted two broad divisions of forced labour. The first category includes forced labour authorised by law while in the second category is included forced labour under agrestic serfdom or debt bondage or that performed in accordance with social customs. The Officer on Special Duty has submitted his proposals for repeal or amendment of the offending provisions in various enactments allowing exaction of forced labour. He has also suggested insertion of suitable provisions in enactments containing provisions in respect of forced labour, regarding age limits, hours or work, weekly day of rest, compensation for accident or sickness arising out of employment, subsistence allowance, etc., etc.

4. The various enactments authorising the use of forced labour have since been examined by the Government of India.

The position is as follows :—

- (i) The Criminal Tribes Act, 1924. The proposals regarding the repeal or amendment of the Criminal Tribes Act, 1924, from the point of view of the I.L.O. Convention on forced labour, 1930, were placed before the Criminal Tribes Act Enquiry Committee on the 20th August, 1950. In their Report the Committee have endorsed the view that the Central Legislation, for the restriction of habitual offenders should be suitably amended or repealed. The matter is under examination.
- (ii) The Bengal Regulations XI of 1806 and VI of 1825. Except the Governments of West Bengal and Assam, all State Governments have agreed to repeal the Bengal Regulations XI of 1806 and VI of 1825. The Government is advised that the offending provisions of the Regulations will, in any case, be void in the light of provisions in the Constitution.
- (iii) The Madras Compulsory Labour Act, 1858.—The Government of Madras have agreed to amend suitably the offending provision (Section 6 of the Act) in the Madras Compulsory Labour Act, 1858.
- (iv) The Orissa Compulsory Labour Act, 1948.—Proposals for amendments to the Orissa Compulsory Labour Act, 1948, and to the rules made thereunder, are still under the consideration of the State Government.
- (v) The Angul Laws Regulation, 1936, and the Khondmals Laws Regulation, 1936.—The Government of Orissa have already taken action to delete the offending provisions in the Angul Laws Regulation, 1936, [Section 69(1)(b) of the Regulation] and the Khondmals Laws Regulation, 1936, [Section 68(1)(b) of the Regulation].
- (vi) The Northern India Canal and Drainage Act, 1873.—The Special Officer suggested the deletion of Section 65 of the Act, which empowered the State Government

to obtain forced labour for carrying out usual annual repairs, as this involved the use of forced labour for public purposes, not covered by Article 2 of the I.L.O Convention. Both the Governments of Uttar Pradesh and Punjab (in which States the Act is in force) have agreed to the action proposed. The Government of Punjab have, further, agreed to insert in Section 64 of the Act provisions relating to age limits, hours of work, etc., as required under the international Labour Conventions. This aspect is still under the consideration of the Uttar Pradesh Government.

It has not been considered necessary to take any action in respect of the remaining enactments examined.

5. With the coming into effect of the Constitution, the relevant enactments were, however, re-examined in the light of its provisions banning forced labour. It was found that Sections 2(a), 8, 9 and 11 of the Orissa Compulsory Labour Act, 1948, Sections 66 and 70(9) of the Northern Indian Canal and Drainage Act, 1873, and Sections 1 and 2 of the Madras Compulsory Labour Act, 1858, were discriminatory and required amendment. Action is being taken in this respect. The provisions of the Panchayat Acts of the various State Governments were also examined in the light of provisions in the Constitution and the State Governments concerned have been requested to amend their Panchayat Acts accordingly. It has, however, been decided by the Government of India that as forced labour is prohibited by the Constitution, no further legislation is necessary apart from the amendments or repeals needed in the enactments. It is worth noticing that during the agricultural labour enquiry made by Government, data collected from the General Village Schedules of 813 villages disclosed the existence of forced labour, in some form or other, in 74 villages in Punjab, U.P., Bihar, Orissa, Madras, Pepsu, Madhya Bharat and Jammu and Kashmir. No doubt, the State Governments concerned and also the other State Governments, have been requested by the Government of India to

take necessary steps to eradicate forced labour wherever it may still be existing.

6. The Government of India have requested the Governments and the Ministries concerned to weed out such provisions as may be offending the Constitution, in the Acts specified above as also in others, if any, allowing the exaction of forced labour. In addition, they have been requested to give the widest possible publicity in rural areas to the provisions of the Constitution and to the ruling of the Law Ministry that notwithstanding anything to the contrary contained in any enactment, the exaction of forced labour in contravention of Article 23 would be unlawful and punishable under section 374 I.P.C. Even in the case where forced labour is permissible either under the Constitution or the I.L.O. Convention, it will be desirable to have provisions relating to hours of work, weekly holidays, age-limits, compensation, etc., as required by the I.L.O. Convention. Model provisions have been prepared by the Government of India and forwarded to State Governments for comments. These provisions will be finalised in the light of such comments as may be received and the State Governments will then be requested to consider incorporating these in the relevant rules.

7. I have nothing to add to what is already stated above except mentioning the fact that inspite of the vigorous efforts of the Government, forced labour is still in existence and it is mostly the Scheduled Castes and also Scheduled Tribes people who are suffering on account of this unlawful practice. In the Report submitted by the Special Agency Development Officer appointed by the Government of Madras for formulating a plan for the amelioration of the hill tribes in the Agency Areas of the State, it is mentioned that labourers who belong to hill tribes are not properly paid for the work exacted from them. To quote the very words from the Report ".....the general complaint wherever we went, is that the payments made by the Forest Dept. are inadequate, and there was no promptness in payment. Very often they are not paid at all, some times

payment is made to the *pettandar* or village munsiff who never pays the actual labourers. They are being taken to work spots 10 or 12 miles away from their homes and called for work during their cultivation seasons.....It is the Government Department that should set an example by strictly following the Government orders. It looks as if the lower subordinates of the Forest Department are under the impression that the hillmen need not be paid fully as they are enjoying certain forest concessions." I would suggest that the Government should issue very clear instructions to the authorities concerned to deal with the cases of forced labour in a very strict manner and give exemplary punishments to the offenders—whether Government servants or private individuals and bodies.

REPORT FOR 1956-57

31. Traffic in human beings and Begar and other similar forms of forced labour have been prohibited under Article 23 of the Consitution and any contravention of this provision has been declared an offence punishable in accordance with law. The State Government is however, empowered to impose compulsory service for public purposes, but no discrimination can be made while imposing such service on grounds only of religion, race, caste or class or any of them. Forced labour, wherever prevalent, is generally practised to the disadvantage of the backward classes. The Scheduled Castes and Scheduled Tribes generally belong to such classes and effort has been made to find out the extent to which forced labour is imposed on these people.

32. It is true that the practice is not found generally except in rare cases, in some of the interior areas, but it is still prevalent in one form or the other. I have noticed that in the villages of Dasmauthpur and Narayanpatna of Koraput Sub-Division and in the Sundergarh district of Orissa State 'Gothi' system is in force. In the Sundergarh district 'Gothi' system which is akin to forced labour, is still in force, in which the Scheduled Tribes

people are the victims. In some of the areas in Vindhya Pradesh, a system called 'Harwahi Pratha' is prevalent. According to this custom, the Scheduled Tribes are forced to work on the farms of individual Zamindars without adequate remunerations. Recently it was reported that in Pandhurna Municipal Committee in Madhya Pradesh, the municipal sweepers in addition to their normal duties, were required to bring stones and sand from the stream beds for the construction of municipal works, such as houses and roads, without extra remuneration. This case was, however, taken up with the State Government and it was possible to have the matter amicably settled, it is reported that in the villages of Akkalkot taluka of Sholapur District in Bombay, the Mahars, Ramoshis, etc., have to work as inferior village servants without any remuneration. The State Government is looking into these complaints.

33. It is interesting to note that with the abolition of forced labour and the practice of untouchability under the Constitution, the Scheduled Castes persons have begun to exercise their civil rights at some of the places. This has annoyed the Savarnas resulting in a few cases in the social boycott of the depressed class people. In some of the villages in Punjab, when Harijans refused to do begar, they were denied passages through the fields of zamindars, their cattle were not allowed to graze even in common lands and in some cases they were even socially boycotted. Similar things happened to Mahara in some of the villages in Madhya Pradesh and Rajasthan. Most of these cases have, however, been amicably settled by the intervention of Government and social workers.

34. It is necessary that the caste Hindus should be given to understand that exploitation of human labour without adequate remuneration is not only illegal but immoral. I trust that in a few years such stray instances of forced labour will become rare and disappear. This can be expedited if instructions are issued by the State Governments to their touring officers to ensure that whenever they find the prevalence

of this evil practice, the persons concerned are suitably warned and the Scheduled Caste and Scheduled Tribe victims of this custom encouraged to report such illegal acts practised against them to the authorities concerned. There is, however, no doubt that the main cause of such unsocial practices is economic dependence of the Scheduled Tribes and Scheduled Castes on the caste Hindus.

REPORT FOR 1959-60

BEGAR

47. It was observed in the 1956-57 Report that the practice of 'begar' (forced labour) was prevalent in one form or the other in the States of Orissa, Madhya Pradesh (Vindhya Pradesh region) Bombay, Punjab and Rajasthan. It has also been suggested that suitable steps may be taken to request concerned Governments to furnish information regarding the steps taken in this direction. The Government of Rajasthan have informed that though in the past there had been some cases when the Scheduled Castes were forced to lift dead cattle etc. this practice has now been completely stopped. The government of Madhya Pradesh have also informed that the 'Harwahi Pratha' though existing in the State is not in the form of Begar. The wages are now governed by the Agriculture Minimum Wages Act. Recent reports, however, indicate that a type of serfdom still exists in certain areas of Shahdol, Sidhi and Rewa Districts of this State. Under this system whenever the Harijans take loans from the landlords or rich people one member of the family is left with the creditors to work in lieu of loan till the money is repaid. It is desirable that investigations may be made in those districts to find out the extent of such practices and how far the rates of wages reckoned for such workers, are in keeping with the provisions of the Minimum Wages Act. The other State Governments have not furnished information about the steps taken by them to stop 'Begar' completely in their jurisdiction.

Complaints

48. During the year under review, 1301 complaints were received in this office, out of which 242 were regarding land/housing and evacuee properties ; 107 regarding harassments, 75 regarding financial help, 30 regarding scholarships, 15 regarding water facilities, 485 regarding services and the remaining 347 were of a miscellaneous nature. In addition, the Assistant Commissioners for Scheduled Castes and Scheduled Tribes in the various regions also received 805 complaints. This total, however, does not take into account the States of Assam and Kerala and the Union Territories of Manipur and Tripura. The maximum number of complaints (221) received by the Assistant Commissioners were also connected with questions regarding land and housing. The complaints were referred to the State Governments or Central Government Departments concerned and where the complaints were found to be true, necessary justice was secured for the complainants.

49. Some typical cases of various complaints from different States have been noted below. But it should not be considered that all the complaints or even the average of complaints received are of the type noted. Some are exceptional extreme cases to show to what length matters go :

- (i) The Caste Hindus of a village in the Dehri district, Uttar Pradesh, did not allow the marriage party of Harijans to proceed from the bride's village for 21 days as the Harijans were breaking the customary rule of not using 'dola' and 'Palki' for the bride and bridegroom. It was reported that the officials concerned did not immediately take necessary action called for under the circumstances. However, a case was subsequently registered against 22 persons who were fined Rs. 20/- each under the Untouchability (Offences) Act, 1955.
- (ii) A complaint was received from an M.L.A. of Rajasthan that one Scheduled Caste person was arrested on suspicion by the station officer of a police station in

Mandsaur, Madhya Pradesh, and was taken to the near by jungle where he was hung on a tree by his legs and was beaten mercilessly. Considering that the person was on the point of death he was untied from the tree and was locked up in a house. In the morning when it was found that the person was alive, he was taken to the Government hospital Neemach. The complainant then approached the doctor of the main hospital and requested him to examine him. The doctor reported that he found 13 major wounds and some bone fractures on his person. The matter was reported to the Collector, Mandsaur who was reported to enquire into the case. He reported that the chowkidar had assaulted the person. A case has been registered against the chowkidar in Police Station, Jiran, for further action.

- (iii) A complaint was received from the Harijans of a village in Delhi that they were not allowed to make use of a well which they had been using for about 75 years by the new owner of the land on which the well existed. On-the-spot enquiries being made by me revealed that such an action was taken against Harijans because in the panchayet elections the Harijans had supported their own candidates, all of whom won the elections and high caste Hindus did not get any seat. The Harijans, however, lost the case in the court but with the efforts of this organisation a settlement was arrived at according to which the well was transferred to Harijans. It may be pointed out that the owner of the well in question had another well also for his use.
- (iv) A case was reported from a village in District Rohtak, Punjab that two police inspectors accompanied by three constables came to the village and stayed at the house of one Dogra Kamoo. The Dogra asked a Harijan to

bring a cock and a hen for the police officers. On refusal to provide these the Dogra incited the police officers against him. The Harijan was beaten by the police officers and thereafter one police officer blackened the face of the man and hung a iron 'tava' round his neck and also garlanded him with old shoes. He was then made to walk about in the streets of the village accompanied by two constables while he was on foot. He was also taken to the neighbouring village in the same fashion. Ultimately this man was allowed to go with the warning that if he lodged any complaint in the matter against police authorities he would be punished more severely. An enquiry was made in the matter by the Assistant Commissioner for Scheduled Castes and Scheduled Tribes concerned who confirmed these facts. The villagers also stated that Dogra Kamoo had connection with police officials and he was in the habit of taking cocks, hens and sheep, etc. free of charge from the Harijans in order to entertain the police. The matter has been reported to the State Government and departmental enquiry is now being conducted.

- (v) This Organisation noted from a press report that a Harijan woman of a village near Sojat in Rajasthan was fined Rs. 11/4/- for using a water tap allotted to 'savarnas'. On the default of payment, her calf was seized and sacrificed at the temple of a local goddess. On a reference being made the State Government reported that the report was absolutely incorrect. But the enquiries made by the Assistant Commissioner for Scheduled Castes and Scheduled Tribes on the spot, confirmed the report. The matter was, therefore, taken up with the Minister concerned, as a result of which it came out that the incident did take place as reported. Action is being taken against the subordinate official who had furnished incorrect report at first.

50. At times, the complaints made are found to be false on enquiries being made through official channels. A few instances of such nature are given below ;

- (i) A complaint was received from a Scheduled Caste person from Madras State that his land had been forcibly occupied by a caste Hindu creditor of his brother. The case was referred to the District officers who reported that the allegation was false and baseless.
- (ii) A complaint was received from the secretary, of an organisation working for the Scheduled Castes in Madras State alleging harassment of Harijans by a section of the local caste Hindus. The personal enquiries made by the Assistant Commissioner for Scheduled Castes and Scheduled Tribes of that region revealed that the complainant who did not know English had signed the petition under the impression that it related to a riot that had taken place some time before.
- (iii) It was reported by a Scheduled Caste person from Uttar Pradesh that he wanted to run a hotel at Shiva Ghaudus fair in a village in Meerut District and went to that fair with that purpose but that he was hindered from doing so by the Chairman of the fair who declared on a loud speaker that the shop was of a chamar and incited the people not to go to his shop. The case was referred to the State Government. The reply received from them reveals that the case was baseless and as a matter of fact there was a dispute between the applicant and some of his customers and one of the managing committee members intervened and settled the dispute in favour of the customer so the applicant was annoyed and made false allegations against the Chairman.
- (iv) It was reported by a Scheduled Caste person from Rajasthan that although his name was referred by the Employment Exchange to the Deputy Inspector of

Schools he was not selected for the post of a peon because he was a Scheduled Caste person. On an enquiry being made from the State Government it was revealed that he was not given employment as he secured the lowest marks in the test given for the purpose.

- (v) A complaint was received from Harijan postal clerk working in Delhi alleging that the Assistant Post Master had been abusing him and calling him bad names because he belonged to a Scheduled Caste. The case was referred to the Director of Complaints, Posts and Telegraph Department, whose enquiries revealed that the complainant was not working properly and, therefore, the irregularities in his work were being noted by the Assistant Post Master whenever he failed to rectify them. This was resented by the applicant and he made false allegations against the Assistant Post Master.

REPORT FOR 1960-61

Practices of bonded labour as found in various States—In the Report for 1956-57, I observed that the practice of forced labour in some form or other prevailed in a number of States. The latest available information indicates that the practice remains in existence even now in some parts of KERALA, MADRAS, MADHYA PRADESH, ORISSA and RAJASTHAN. Though definite information from other areas is not available and it is not unlikely that different types of forced and bonded labour exist in several other States as well.

2. In the State of Kerala, several instances of the practice of 'Begar' or forced labour have been found among the Paniyans of Wynad Taluka. There are similar instances among the Paniyans of Gudalur Taluk of Nilgiri diistrict of Madras State.

3. In Vindhya Pradesh region and Gwalior region of Madhya Pradesh 'mahidari' system (bonded labour) was a

legally recognised practice before Independence. If a 'mahidar' tried to escape he could be arrested and made over to the owner. Now the system has been abolished by law but it still remains in practice in various forms in different areas. Generally the 'mahidar' works against loans on subsistence wages. The 'mahidar' is not generally allowed to leave work in search of a more paying job. Sometimes money is taken on loan from the landlords for marriage of children in their early age, and then the children are handed over to the landlords for service for the rest of their life. Such cases were found in Shivpuri, Guna, and Datia districts, among the Sehria.

4. In Orissa, the system of bonded labour—'gothi'—prevails in different forms in different parts of the State. In this connection an ad hoc survey was undertaken by my Organisation in Keraput district. It has been found that the prevalence of 'gothi' or debt bondage labour varies from area to area. The amount of advance taken by a 'gothi' from his employer ordinarily varies from Rs. 50 to Rs. 200 and the amount of remuneration varies from Rs. 10 to Rs. 50 per year, in addition to food and grain for subsistence. Apart from food and cash remuneration the 'gothis' are given pocket money for purchase of tobacco at rates varying from an anna to two annas per week. They are also generally given one piece of cloth each per year. The 'gothis' are generally required to perform both agricultural and domestic services. They have to do other odd jobs at the instance of their employer. For instance, the 'gothis' at Sunabeda were engaged some time back in construction of an approach road to the village and the amount received by them as wage was actually enjoyed by their masters.

5. In Rajasthan also debt bondage labour system prevails. It is locally known as 'sagri' system. Under this system in lieu of the interest on loan, a 'sagri' is to serve his money lender without any wage until the loan is repaid. A survey of the various aspects of the system was undertaken during the year

under review. The salient findings of the survey are detailed below :

- (i) Though theoretically the debtor can leave the service of the creditor any time by repaying the debt in actual practice it is an impossible proposition unless there is some special favourable factor, e.g., a loyal brother or son who is an industrial worker and is ready to free his brother or father from his bondage with the help of his savings.
- (ii) A 'Sagri' is required to sign or give his thumb impression on an agreement by which he promises to plough and do all other agricultural operations for the creditor as well as to perform all domestic duties assigned to him. This he has to do in lieu of the interest that the creditor would have charged on the loan. Significantly the agreement does not mention the remuneration of sagris. In view, however, of the doubtful legal validity of the above documents the 'sagri' is made to sign other documents.

This agreement merely states that the debtor has taken a specified amount as loan on interest @ 25 per cent. The dates for repaying the debt in instalments are mentioned and in case of default the debtor promises to pay adat or commission which is not always mentioned, but it is usually 12 per cent.
- (iii) A 'sagri' generally gets one-tenth of the produce after deducting the cost of production (seeds and labour charges) or one-eighth to one-tenth of the same without deduction. He also gets breakfast and two simple meals every day.
- (iv) A Bhil woman in the village Patia had been a 'sagri' for about 20 years on consideration of a loan of Rs. 25. Her husband had been a 'sagri' for a longer period on consideration of a larger loan. The woman's job was to grind six seers of maize every day. She wanted to

repay Rs. 25 and free herself but the creditor would not agree. Recently (March 1961) however the woman revolted against this intolerable condition and has stopped going to the creditor's house for grinding maize.

The above case may be considered in a way to symptomatise the time. Resentment against the system of bonded labour is now widespread among the tribes. Along with this, legislative and executive measures are also being taken.

6. Legislative and executive measures to control the practice. —In Orissa, the Orissa Debt Bondage Abolition Regulation was promulgated as early as 1948, with reference to the partially Excluded Areas of the State. There are two Scheduled Areas of the State, viz., Mayurbhanj and Sundergarh, which were not partially Excluded Areas, and hence the Regulation is not operative in these areas. There are several other lacunae as well. The Rules under the Regulation have not yet been framed. Fair and equitable remuneration under the Regulation has also not been notified. The State Government have not also set up appropriate machinery for enforcement of the Regulation. They have however informed that they are taking steps to frame necessary rules under the Regulation and also to extend it to Sundergarh and Mayurbhanj districts. It is desirable that immediate steps should be taken by the Government in these directions.

7. In Rajasthan, the Sagri System Abolition Act was passed by the State Legislature on the 11th September, 1961. It is, however, apprehended that the creditors may try to evade the provisions of this Act by obtaining signatures of the debtors on two different documents one within the bounds of law, the other following the pattern of 'sagri'. In case of trouble the creditor will of course have to be satisfied with what is due according to law : otherwise he will try to exploit the debtor on the prevailing sagri pattern. Strict vigilance is, therefore, required to put a stop to this practice.

8. Information, is not available from other States regarding the legislative and executive measures adopted by them for abolition of bonded labour, though legislations have been adopted by a number of them declaring forced labour to be an offence.

9. Forced labour—In connection with the forced labour it is to be noted that, except for certain emergency situations in the life of the community, forced labour in any form has been abolished by the Constitution. From the reports received from different quarters it appears that in practice also it has practically gone out of existence. There may be only sporadic cases here and there.

REPORT FOR 1961-62

The practice of forced labour existing in the States of Kerala, Madras, Madhya Pradesh, Orissa and Rajasthan was described in the last Report. Further information since collected in this regard is discussed below :—

Jammu and Kashmir—A study made in the Poonch District of Jammu province, has revealed that a system of bonded labour, known as Jana, Manjhi or Lajhari, is in existence there. Under this system, a person who receives a loan, in cash or kind, engages himself by a written or oral agreement, to work as a labourer for his creditor as long as the loan remains unpaid. He has to work for domestic as well as agricultural purposes. It has been observed that big land-owners, taking advantage of poverty and ignorance of the peasantry, so manipulate the accounts of loans given by them that the debtor is bonded to work as a Manjhi for a number of years and, in some cases, even his children have to take up the responsibility after his death. Persons belonging to other Backward Classes are the main victims of this system. It is reported that this system is prevalent in several other parts of the State, as well.

Madhya Pradesh—It has been reported that among Gonds, a kind of bonded labour is prevalent. If a person is unable to

repay his debts to the money-lender, he has to work for him till the debt is repaid. In case he fails to repay, the debts descend to his son. Details of the system are being collected.

Maharashtra—A practice of bonded labour, known as Vet or Begar, is prevalent among the tribals (Dhor Koli, Katkari, Worli and Bhil) of Thana and Nasik districts. They are mostly landless labourers who serve money-lenders as bonded labour, when they are unable to repay their debts. It is difficult to estimate the exact number of persons so engaged, though it is reported to be about 200.

Orissa—As reported last year, a system of bonded labour, known as Gothi, prevails in different forms in different parts of the State. Its incidence has been brought out in a survey undertaken by this organisation in nine villages of the Kakriguma and Lachmipur areas of Koraput Sub-division. The villages surveyed are mostly populated by the Scheduled Tribes (Kondh and Paroja). Out of the Scheduled Tribes population of 1,175 in these villages, 120 persons (more than 10%) were working as gothis. The amount of advance taken by a Gothi from his employer, ordinarily varied from Rs. 25 to Rs. 100 by a gothi from his employer, and the average amount of remuneration paid to a gothi by his employer varied from Rs. 5 to Rs. 12, per month. This remuneration included the cost of grains, etc., supplied to the Gothi by the employer. Of the forty-one Gothis interviewed nine had been in bondage for over 10 years, one had already served for over 30 years and another for 19 years. In the one case, a debt of Rs. 60/- was incurred by a person 22 years ago; he himself served the money-lender for 6 years and then was replaced by one of his sons who served, in his turn, for 12 years. This son was again replaced by his brother who had been serving as Gothi for the last 4 years. Release was effected only in one case, under the Orissa Debt Bondage Abolition Regulation, 1948.

Uttar Pradesh—In the Jaunsar-Barwar area of Dehradun District, a system of bonded labour is prevalent. Persons belonging to the Kolta community are required to work in the house of money-lenders in return for loans. They are given food and clothing and no wages are paid but the loan is free of interest. The Committee appointed by the Government of Uttar Pradesh, to enquire into the condition of the Koltas of Jaunsar-Barwar areas of Dehradun District and Jaunpur Rava in area of Tehri Garhwal district, have classified Koltas into three categories, viz. (1) Khundit Mundit—who almost work like slaves for their master who, in turn, provides facilities like clothing, food, expenses for marriages etc. (2) Mat—who work in the house of money-lenders in lieu of interest, majority of Koltas fall in this category and (3) Sanjayat—who work for the entire village and are paid some faslana.

Legislative and executive measures to control the practices.

4.2 In Maharashtra, no specific law to ban the practice of Vet or Begar has been passed by the State Government though administrative orders have been issued by them, from time to time. It has been observed that these orders are inadequate as (a) they do not cover the entire tribal population of the State, (b) the term of bonded/forced labour has not been clearly defined in them and (c) there is no proper machinery to enforce these orders. The Revenue authorities are burdened with their own work and hardly get time to see to the implementation of these orders. Moreover, the orders have not been properly publicised and are hardly known to the tribals, as well as, others working in the field of tribal welfare. It is necessary that the State Government should find out the extent of this practice and devise suitable legislative and executive measures to put a stop to it.

4.3 The extent of Gothi system in Orissa clearly brings out the fact that the Orissa Debt Bondage Abolition Regulation, 1948, is not as effective as it should have been. Several lacunae found in this Regulation were pointed out in the last report.

It, however, appears that no action has so far been taken by the State Government to remove these defects. It is reported that there is some confusion in the State Government as regards the department responsible for the implementation of this Regulation. In view of the grave nature of this practice, it is suggested that (a) the law banning the Gothi system should be made more stringent and adequate punishment for offenders be prescribed thereunder, (b) the administrative officers should be asked to make special efforts, while on tour, to detect cases of Gothi, by getting into close contact with the Scheduled Tribe persons and themselves initiate action under the Regulation and (c) propaganda should be carried on to arouse public feelings to condemn this practice.

4.4 Legislation abolishing the Sagri system in Rajasthan was described in the last report and it was recommended that the State Government might take steps to keep strict vigilance in this regard. The State Government are considering the question of issuing necessary instructions to the public authorities.

4.5 It is learnt that a form of bonded agricultural labour, known as Jeetha, still exists in some areas of Mysore State ; the Scheduled Castes are generally its victims. Some instances of this system were revealed in a pamphlet published by a Minister of that State in 1961-62. It is hoped that the Government of Mysore would take suitable steps to put an end to this evil practice. It is very likely that the bonded labour, in some form or the other, is in vogue in some other areas too. Therefore, it is desirable that the State Governments concerned should take suitable steps to tackle the problem effectively at an early date.

REPORT FOR 1962-63

It has been pointed out in the previous reports that forced labour, as such, has practically gone out of existence, after its abolition under Article 23 of the Constitution, though it is

still found, in the form of bonded labour, in certain parts of the country. The various customary forms in which this practice is prevalent in some parts of Jammu & Kashmir, Kerala, Madras, Madhya Pradesh, Mysore, Maharashtra, Orissa, Rajasthan and Uttar Pradesh, have been previously reported. More details regarding these practices in Madhya Pradesh and Orissa and an account of a similar system noticed in Dadra and Nagar Haveli, are given below :

5. 2 Madhya Pradesh—A system of bonded labour known as Harvahi Hali or Mahidari, is prevalent in the interior parts of Gwalior Division. A Mahidar has to work with a land-owner, in lieu of interest on loan taken by him, until the whole debt is repaid. It is reported that a Mahidar gets 3 seers of grain, a small piece of land and a share in the crops but cases have often come to notice when no land or produce is given and only food grains, enough for maintenance, and clothes, one a year, are given. The incidence of this system is high among Seharias of Shivpuri, Guna and Datia districts. In parts of Vindhya Pradesh and Mahakoshal regions, also, a system of the same nature is met with. In Shahdol district, this system is prevalent in an acute form, where persons belonging to the Kol tribe and poorer Scheduled Castes persons are the worst sufferers. Here, the debtors have to work against interest on the loans taken by them, for a very low wage. Cases have come to notice where persons have been working for 15 to 18 years, against interest on loans amounting to Rs. 80 to 100. It is reported that failure to serve as Harvaha results in the double recovery of 'dues' immediately, in addition to the debtor being subjected to a beating and other types of harassment. In Bilaspur district where the system is reported to be more in the nature of a traditional one-year contract, the agricultural labourer, called Kamia is engaged on the fifth day after Holi, for a year. He is paid a local measure full of paddy ($2\frac{1}{2}$ seers) every day, and a cash sum of Rs. 40-60 in all. It is estimated that the total payment to a Kamia comes to about Rs. 140 to 160 a year, which is not enough to support his entire family.

The Kamia is not allowed any off-days all through the year, till the day of Holi next year and thus he has only four free days in a year. It is reported that in this district, a large number of persons belonging to the Bhaina tribe and poorer sections among the Gonds work as Kamias. Exact information regarding the incidents of these systems in the various parts of the State is, however, not available.

5.3 Orissa—details of Gothi system of bonded labour, as prevalent among the Scheduled Tribes living in certain parts of Orissa, were given in the two previous reports. During the year under report, the Tribal Research Institute, Orissa, conducted a survey of this system in Koraput district. The most important findings of this study are that (i) the system exists in a virulent form in the central plateau of Sadar Sub-division of Koraput district, and (ii) the Regulation intended to control it has hardly made any impact on its prevalence. Statistical details regarding the incidences of this system are given below :

No. of villages surveyed	Total population of the villages surveyed	No. of Gothis	
		Tribals	non-tribals
52	23,831	723	97

The total number of Sahukars in the areas surveyed, was 322, out of which 40 belonged to the Scheduled Tribes. The number of Gothis, working for the Sahukars, varied from 1 to 11. The number of those having 7 to 11 Gothis was only 17, while the majority (223) had only one or two Gothis. It may be pointed out that since the villages surveyed are mostly on the road-side, the incidence of this practice is likely to be much in the backward and interior areas.

5.4 Dadra and Nagar Haveli : In Nagar Haveli, a system of bonded agricultural labour, called Valva, which is similar to the Hali system of Surat, is prevalent mostly among the Dubla tribe. A Valva is given land, measuring 2 to 20 Gunthas, seeds and bullocks and also agricultural implements, if necessary, by

his employer. The produce from this small piece of land belongs to the Valva, who is also allowed to build a hut on the employer's field. In return for all this, the Valva and his family has to work as agricultural labour for the landlord, whenever needed. They cannot work for any other person without the employer's permission. It was noticed in one of the villages that the wages of a Valva are about 0.50 np. a day, as against the approved daily wages of Rs. 1.75 per man and 1.25 per woman.

5.5 It goes without saying that the very existence of such systems, whatever their magnitude be, militate against the aims and objects of a welfare State aspiring for a free and egalitarian society. It is, therefore, necessary that concerted efforts are made by all the State Governments/Union Territory Administrations concerned to find out the conditions of service, and the number of persons involved in such unwholesome practices allotting to them cultivable waste lands and affording other necessary facilities so that they can rehabilitate themselves as free men.

LEGISLATIVE AND EXECUTIVE MEASURES TO CONTROL BONDED LABOUR

5.6 It has been said in the last report that the Debt Bondage Regulation, 1948, in force in Orissa, is not as comprehensive and stringent as it should be, for bringing about an end to the Gothi system. Even though this law came into force in 1948, very few cases under it have been brought to courts. Unlike the law in Rajasthan, which abolished the Sagri system prevailing there altogether, the Orissa Regulation provides for arbitration and settlement of the Gothi contracts entered into before its enforcement, and also allows labour agreements which satisfy certain specified conditions, after its enforcement. These provisions are loop-holes through which the Gothi system continues, specially because rules amplifying the Regulation and laying down detailed procedure for implementing it, have not been framed so far. These loop-holes provide scope to the

money-lenders for prolonging their Gothi and labour contracts, through corrupt practices, such as falsification of accounts, reducing the rate of annual discharge of debts by increasing charges for food given to the Gothi, etc. What is needed is that this system should be abolished altogether and employment of Gothi made a cognisable offence, with more strict penalties and vigilant enforcement. It is hoped that the Government of Orissa would examine these points which have been stressed in the last report also, and take expeditious action in the matter.

5.7 In Rajasthan, where a system of bonded labour, called Sagri is common among the Scheduled Tribes, the State Government have passed the Rajasthan Sagri system Abolition Act, 1961, abolishing this system altogether. It, however, appears that the law has only a symbolic value as no prosecutions under it took place during the year and no special steps have been taken to enforce it strictly. It is reported that now there is a tendency among the Sahukars, to pay their Sagris on a monthly basis or in the form of a share in the crops, but even this hardly brings about an element of competitive and free contract in their relationship, which continues to be only a disguised slavery. In order to bring about an end to this practice, it is desirable that the Police Department is given special instructions to take cognisance of Sagri cases. The Department of Social Welfare should also instruct its field officers to help the police in reporting against the offenders. Moreover, voluntary agencies working among the Scheduled Tribes, in the areas where Sagri system prevails, should also take special interest in this problem and in the effective implementation of the provisions of the above enactment.

REPORT FOR 1963-64

It is well-known that their poverty and ignorance have, to a large extent made the people of the "Backward Classes" sector fall an easy prey to the usurious money-lenders. One of the manifestations of the extreme indebtedness is the practice of bonded labour, which is even today noticed amongst the

Scheduled Tribes and the Scheduled Castes in certain parts of the country. It is intended to discuss here the extent of indebtedness and of bonded labour amongst these communities, and the impact of various executive and legislative measures undertaken to control the situation. As regards the provision of cheap credit through co-operatives, this has been discussed in the chapter on "Co-operation."

FORCED AND BONDED LABOUR

10. 18 The practice of bonded labour as noticed in the States of Jammu and Kashmir, Kerala, Madhya Pradesh, Madras, Maharashtra, Mysore, Orissa, Rajasthan and Uttar Pradesh and the Union Territory of Dadra and Nagar Haveli, has been described in the previous reports. During the year detailed surveys were undertaken by this Organisation regarding this practice in Mysore, Orissa and Rajasthan.

Mysore

In the 1961-62 report, a mention was made that system of Jeetha, a form of bonded agricultural labour, existed in some of the areas of the State. Information gathered by this Organisation in Saklespur and Belur talukas of Hassan district indicates that this system is widely prevalent and seems to be hereditary and obligatory. Generally, the victims belong to a Scheduled Caste—Adi Karnatak—and the reasons for their taking loans and binding themselves for labour are poverty and expenditure on social ceremonies. Persons working as Jeetha are young—not more than 35 years of age, and even children of about 10 years age are engaged. Generally, the wife and the father of the Jeetha also serve the creditor to expedite repayment of the loans.

In Sakalapur taluk, where 31 cases in 6 villages were studied, it was found that loans were advanced by creditors at exorbitant rates as high as 144%, and the debtors had to work as Jeethas for 15-40 years. Out of these 31 cases, only 24 persons could succeed in repaying only a fraction of the loan, because

of the high rate of interest and the abnormally low remuneration paid to the Jeethas.

In Belur taluk, 26 cases were surveyed, and it was found that this system was rampant among the Scheduled castes. The Jeethas were provided food and clothing besides cash payment, but the cash remuneration was too low to enable them to repay even the interest. Thus Jeethas were found to be forced to work for decades together to clear off their debts.

Orissa

This organisation conducted a survey to find out the extent of house-hold indebtedness, including bonded labour, in the selected tribal areas of Orissa. The existence of Gothi, a form of bonded labour, was noticed during survey in the villages of Pujariguda, Telangaguda and Patramunda in Nowrangpur block and Rangamatiguda in the Nanda handi Block of Koraput District.

‘Gothi’ is a system of labour whereby a person, on receiving a loan in cash or kind, engages himself by a written agreement to be a labourer of his creditor, for agricultural and domestic purposes, as long as the loan together with the interest remains unpaid. In practice, the money-lenders taking advantage of the illiteracy, ignorance and indebtedness of the tribals, dictate their own terms as regards the interest and manipulate things in such a manner as to force the Gothis to remain bonded for several years; and in a few cases even the children and near relatives of the Gothis are found to be serving the creditors after the death of the Gothis.

The reasons for which the tribals are forced to enter into labour agreements are acquisition of assets, economic activities, domestic consumption and expenditure on social ceremonies. But normal domestic consumption is the most common factor which leads the tribals to become Gothi. Next comes the marriage and other ceremonies.

There is no uniformity in the scale of wages and other

remuneration paid to Gothi. Even in the same village, the wages received by the Gothis differ from one another. Some Gothis are given only daily meals and in some cases clothing also. Since such Gothis get no money, they depend upon some one else in the family, e.g. brothers, sons or wives, to procure the amount taken as loan, for this release. This sometimes takes a number of years and till then the Gothis work with their masters.

Most of the Gothis in the villages surveyed, were working as agricultural labourers at their master's house. They were required to do domestic work, also, when required. Some other Gothis who were children, looked after their master's cattle or did other light chores.

Generally, the Gothis are required to work with their masters for about 7 to 8 hours a day, but in the majority of the cases brought to the notice during survey, the Gothis attended to their work from morning till night, almost the whole day. Sometimes they stay even late hours at their master's house due to pressure of work.

Rajasthan

A survey was conducted by this Organisation in 17 villages of Dungarpur District in Rajasthan, to find out the extent of indebtedness and bonded labour. The system of bonded labour (Sagri) was found to exist in 10 villages. During the survey it was found that out of 56 sampled informants, 53 were working as Sagris and as such 94.65% of the informants contacted for the purpose, were Sagris. In view of the existence of legislation for the abolition of Sagri system the task of investigators was made difficult, as, at times, attempts were made by the vested interests to coerce their Sagris not to disclose true facts. The Sagri system is essentially born of indebtedness and the Scheduled Tribe person taking loans is forced to enter into an 'agreement' which binds him to work for the loan mostly taken for unproductive purpose, which is evident from the fact that out of 53 Sagris, 49 (92.46%) had

taken loans for such purposes. Over 50% of the Sagris took loans for marriages, and next to it purchase of food items constituted the main purpose of taking loans. The productive purposes constitute only 7.54% of the total loans taken by the Sagris. The largest number of loans taken for marriage were due to the bride price having shown an abnormal rise in the Dungarpur District. The tribals contacted reported that the bride price had risen due to rise in general price level while non-tribals felt that it was due to acculturation of tribals.

It was found that out of 53 Sagris, 20 were working as Sagris for less than one year, 7 between one to two years, 3 between two to three years and 23 were working as Sagris for over three years. A tendency was also observed among the tribals to change the master, mostly due to the expectation of better treatment from the new master.

The amount of loans taken by the Sagris also varied from person to person though the largest number of Sagris fell in the category of loans between Rs. 151 to Rs. 300, the number being 24. There were as many as 15 Sagris who had taken loans amounting to less than Rs. 100 : 8 Sagris had taken loans between Rs. 100 to Rs. 150 and 6 had taken more than Rs. 300 as loan for becoming Sagris.

The survey also revealed that the largest number of Sagris, viz., 31, were required to do both agricultural as well as domestic work ; 20 Sagris were employed for agricultural work alone and remaining two were engaged on other works. 35 Sagris were working all through the year with their employers, 15 for 8 months, 2 for 10 months and 1 for less than six months, in a year.

In so far as the remuneration to the Sagris is concerned, they were given breakfast in the morning, two meals daily and a set of dress once in a year. It was observed that most of the Sagris were so because they got food to eat. It was found that generally they preferred to take the food home and share it

with other members of the family. Apart from food and clothes, the Sagris were also given share of the agricultural produce from the land cultivated by them. The share varied from $\frac{1}{4}$ th of the produce to $\frac{1}{8}$ th, after making allowance for expenditure incurred by the land owners on purchase of seed, payment of casual workers, etc. The largest number of Sagris viz., thirteen were getting $\frac{1}{8}$ th of the produce, eleven of them $\frac{1}{8}$ th, five $\frac{1}{4}$ th, four $\frac{1}{8}$ th, three $\frac{1}{7}$ th, three $\frac{1}{9}$ th, seven $\frac{1}{10}$ th and two $\frac{1}{18}$ th share ; in case of 5 Sagris no share was fixed.

LEGISLATIVE AND EXECUTIVE MEASURES TO CONTROL BONDED LABOUR

10.19 It has been reported that in the Scheduled Area of Andhra region of Andhra Pradesh, where a system of bonded labour was prevalent in past, the Madras Agency Debt Bonded Labour Regulation, 1940, is in force. The regulation declares Gothi agreements invalid. In so far as the labour agreements are concerned, these are valid if fair and equitable remuneration is paid to the labourer. The remuneration to be paid is fixed periodically, through a notification, by the State Government. The last notification on the subject was issued in August, 1959, and the suitability or otherwise of the wages is reviewed every year in consultation with the collectors concerned.

10.20 In the 1960-61 report, it was pointed out that in Orissa though the Orissa Debt Bondage Abolition Regulation was promulgated in 1948, rules under the Regulation had not been framed and other measures necessary to enforce the Regulation had also not been taken. During the year under report, the rules known as the Orissa Debt Bondage Abolition Rules, 1963, were framed. Under these Rules, all labour agreements entered into under the Regulation shall be filed in the Office of the Sub-divisional officer or any other authority appointed by the State Government and shall be entered in a register. These agreements shall be examined in accordance with section 4 of the Regulation. It is desirable that a

close watch is kept on the number of persons entering into labour agreements and the field staff of the welfare and revenue departments should periodically check up from the labourers whether they are actually being paid in accordance with the terms and conditions fixed. The Tehsildars have been made responsible for the enforcement of the Regulation and offences can also be compounded by them, under Rule 9, by accepting from any person reasonably suspected of having committed any offence under the Regulation, a sum of money by way of compensation for the offence, money being paid to the aggrieved party. There is an apprehension that this provision may not serve the best interests of the tribals as it may lead to evasion of the provisions of the Regulation. The Rules also provide that fair and equitable remuneration for the labourers will be fixed as provided under Section 4 (iv) of the Regulation, but no such notification has been issued so far. In the absence of such a notification, it is not understood how the officers responsible for enforcing this Regulation will decide the cases. It is necessary that urgent steps are taken by the Government of Orissa to fix the remuneration. Further as pointed out in the 1960-61 Report, the State Government should also ensure that the relief provided by this Regulation is extended to the Scheduled Areas in Mayurbhanj and Sundergarh Districts, where the Regulation is not in force, because these were not partially excluded areas in 1948.

10.21 In Rajasthan, where the Rajasthan Sagari system Abolition Act, 1961, is in force, no cases of infringement of the law have been reported, during the past two years in spite of the fact that this system is practised widely. Based on the survey conducted in the State, and referred to earlier in this Chapter, following suggestions deserve consideration :—

- (i) In order to make the provisions of the Rajasthan Sagri System Abolition Act, 1961, more stringent, it is necessary that the offences under the Act are made non-bailable.

- (ii) There is a need to enforce the provisions of the enactments concerning the debt relief and the abolition of Sagri System by mobile courts, by visiting the affected villages in Dungarpur District.
- (iii) The Sagris generally take loans for unproductive purposes, there is therefore, a great need for arranging for small short term loans for unproductive purposes, at nominal rates of interest.
- (iv) The concerned District Social Welfare Officers should make inquiries and report cases of Sagris to the police for action under the Rajasthan Sagri System Abolition Act, 1961.
- (v) An integrated scheme of land settlement, including provision for reclamation of land supply of seeds, fertilizers and bullocks, construction of houses etc., should be drawn up for the benefit of Sagris.

10.22 A mention about the existence of bonded labour among the Koltas residing in Jaunsar—Bawar Areas of Dehra Dun District of Uttar Pradesh was made in the 1961-62 Report. It is understood that the committee appointed by the State Government to enquire into the conditions of Koltas, have stressed emphatically the need to get this community redeemed from the clutches of usurious money lenders, which would also put an end to the above practice. No action has so far been taken in this regard. It is urged that the problem should be given urgent attention so that Koltas are able to lead a free life.

10.23 In Kerala, from where instances of bonded labour from amongst the Paniyans of Wynad Taluka were reported in the 1960-61 Report, the State Government are actively taking steps to put an end to the practice. A special survey of the economic conditions of these people is under contemplation and a draft bill, i.e., the Kerala Paniya Labour Contract (Vallurkavu Panam) System Abolition Bill, 1964, is also reported to be under consideration. It is desirable that the

special survey is completed before the legislative measure is given final shape, so that the law may be comprehensive and suitable to the actual conditions.

10.24 The practice of bonded labour thrives among the people with deficit economy and who are educationally backward and cut off from the main stream of life. For rooting out this practice, it is necessary that systematic attempts are made to find out the magnitude of the problems in all the concerned areas. Thereafter, suitable legislative measures, reinforced with a comprehensive scheme which should endeavour to make the bonded persons self-sufficient economically, should be undertaken. For this purpose, the resources available under the Tribal Development Blocks Scheme and other Welfare Programmes should be pooled and a variety of measures, such as providing agricultural land, houses, irrigation facilities, large-scale horticulture programme, animal husbandry, etc. be taken up.

REPORT FOR 1964-65

10.16 As stated in the previous reports, the money-lending also gave birth to an obnoxious system of forced and bonded labour known by different names in the States of Andhra Pradesh, Jammu and Kashmir, Kerala, Madhya Pradesh, Madras, Maharashtra, Mysore, Orissa, Rajasthan and Uttar Pradesh and the Union Territory of Dadra and Nagar Haveli.

10.17 Information regarding the legislative and executive measures adopted by the various State Governments and Union Territory Government Administrations, to check the practices of bonded labour, have already been given in the previous reports, further information about bonded labour practised in Kerala, Maharashtra and Uttar Pradesh is contained in the following paragraphs.

KERALA

10. 18 The Paniyanas and the Adiyans living in the South and the North Wynad Talukas of Kozhikode, and also in Cannanore District, are the victims of this practice. These people, while in search of employment for the ensuing agricultural season, come in contact with landlord in need of labourers for work in their extensive paddy fields and plantations, during the annual festival in Vallurvaru Temple, some two miles from Manantody—the headquarters of North Wynad, in the middle of April every year. The landlords offer money to these tribals, which is, generally, a fixed amount of Rs. 10.00 per head. There is a tacit understanding that, in return for the loan, the Paniyan or the Adiyman concerned will work under that landlord for one year i.e. till the next festival ; but if he refuses to work under that landlord the money has to be refunded and the tribal may be harassed in a number of ways. The Paniyan or the Adiyman, so bound, is allowed to put a hut on the land-lord's land near the field, but if he refuses to work he is forced to vacate his homestead. The wages given to such persons are much lower than those paid to free labourers. In order to help the tribals, the Government of Kerala have recently appointed two welfare officers to work as Liaison Officers amongst the Paniyans and the Adiyans and also a few Government functionaries to be in charge of law and order and of development activities in that area.

MAHARASHTRA :

10. 19 The survey of indebtedness undertaken by the Commissioner's Organisation in Maharashtra, made an attempt to ascertain the incidence of bonded labour, also, in this State. The survey revealed that bonded labour was prevalent in Thana District as a few cases were detected in some of the Tribal Development Blocks in the district. The main feature of this system is that a tribal pledges his labour, and sometimes labour of the other members of his family, in return for a loan, and is released only when the loan is repaid. The period of

bond of services ranges from 3 to 5 years. A case, however, came to notice in which a tribal had remained bonded for about 14 years. The creditor is responsible for feeding the bonded persons who also get some clothing from him, but no cash payment is made at all. The bonded person has to depend upon someone in his family to procure the required money for securing his release. The agreements are only oral. The following table illustrates the position of the cases of bonded labour detected.

Village	Amount of loan taken (in Rs.)	Purpose	When taken	Period of bondage
1	2	3	4	5
Ashaged	60	Marriage	1 year back	Not specified
Nagzari	(i) 100	Marriage	6 years back	3 years
	(ii) 100	Marriage	2 years back	5 years
	(iii) 50	Domestic purpose	1 year back	The informant could not give this information.
Sarni	40	Domestic purpose	1 year back	4 months every year @ Rs. 1.25 daily, till the amount is repaid.
Pimpalshet	22	-do-	4 years back	The informant could not give information.
Sakur	250	Marriage	1 year back	4 years
Mokhada	300	Marriage	14 years back	14 years (now released)

The survey showed that in most of the cases, the bonded persons were required to work for their masters for the whole day. The work allotted to these people depended upon the choice of the creditors. A number of them were found doing household work at their masters' houses. In one case the bonded labourer was required to do wood-cutting work, in another he was asked to ply bullock cart to the town and

distant places for bringing food-grains and other things and some others were found doing work in the fields of their masters.

UTTAR PRADESH

10. 20 During the course of tours undertaken in the districts of Hamirpur and Barabanki, it was found that the cultivators advanced loans to the extent of Rs. 500.00, per head, to the Scheduled Caste persons working with them, recoverable in monthly instalments of Rs. 15.00 each. No interest was charged on the loans, but the debtors had to work as servants of the cultivators till the loans were repaid. This practice is, however, gradually disappearing.

10. 21 The Committee appointed by the State Government to enquire into the conditions of the Koltas of Jaunsar-Bower Area, among whom bonded labour is prevalent, have submitted their report to the State Government. The various recommendations made by the committee are still under the consideration of the Government.

10. 22 It may be pointed out that rules under Minimum Wages Act, 1943, have been framed by the State Government and minimum rates of wages for the Scheduled Caste agricultural labourers have also been fixed, but these minimum rates are not strictly enforced. In eastern Uttar Pradesh, the wages of agricultural labourers are reported to be not more than 0.50 paise a day. This rate would appear to be too low. It is hoped that suitable action will be taken by the State Government to fix reasonable minimum wages for agricultural labourers and to see that they are strictly enforced.

REPORT FOR 1965-66

Traffic in human beings and begar and other similar forms of forced labour are prohibited under Article 23 of the Constitution, which however, gives the State the authority for imposing compulsory service for public purposes.

4.2 While this Article applies to all the citizens of the country, a chapter finds a place in this report because it is found that in many areas Scheduled Castes and Scheduled Tribes are subject to certain types of bonded labour. Though there is a distinction between bonded labour and forced labour, it cannot be denied that bonded labour deprives the persons concerned of full market value for his services. In fact this amounts to some kind of social subjugation.

4.3 In certain parts of India, particularly in the States of Madhya Pradesh and Madras some Scheduled Caste persons at the death of caste Hindu dig pits in the cremation grounds, beat drums at the time of funerals, etc. It is generally complained that these duties have to be performed by the Scheduled caste persons concerned without any payment. Further detailed enquiries are being made into these practices.

4.4 A system of bonded labour called 'Jeetha' has come to notice, as practised on certain Scheduled Castes in the State of Mysore. Though this system cannot be said to be a form of forced labour, it does involve a lot of hardship for the Scheduled Caste persons concerned in as much as they bind themselves to serve in the fields of their creditors, in return for very low remunerations, for loans taken at a very high interest. This system is found to exist in Salampur and Belur Taluks of Hassan District of Mysore. The victims generally are members of a Scheduled Caste called 'Adi-Karnatake'. The persons who work as 'Jeetha' are generally youngmen—not more than 35 years of age, and even children of about 10 years of age are also made to work as 'Jeethas'. Generally, the wife and the father of the 'Jeetha' also serve the creditor to expedite the repayment of the loan. It would be seen that this pernicious system stems from indebtedness of the Scheduled Caste persons concerned. Therefore, the solution lies in adopting measures for securing relief from debt and for economic upliftment of the persons concerned.

4.5 In the meeting of the Central Advisory Board for Harijan Welfare held on 20th September, 1954, a member pointed out that the problem of bonded labour was prevalent on a fairly wide scale in the plantations in Kerala. From enquiries made by this Organisation, it was found that bonded labour did not exist in any of the tea, rubber and coffee plantations. In some of the cardamom plantations, however, this system was found to exist. The labourers in those estates, mostly belonging to the Scheduled Castes of Madras State, were employed on casual basis and this resulted in their getting indebted during off periods. Instances of deliberate breaks made occasionally in their services with a view to denying them the privileges to which otherwise they are eligible, were also found. The rate of minimum wages in force was also found to be inadequate.

4.6 Though traffic in human beings has been prohibited under article 23 of the Constitution, a peculiar kind of "prostitution" among the Scheduled Castes (and also a Denotified community called 'Bedar') has been found to exist in some northern districts of Mysore State. This system is particularly noticed in the district of Bellary. In the small town of Sirguppa, with a total population of 10,000, there were in 1963, not less than 600 prostitutes (Basavis) and in the town of Kudlagi, which has also got a population of 10,000, there were not less than 1,500 'Basavis'. The parents of good looking girls amongst the Harijans and Bedar community take them at a very young age, to a temple on a special day and tie a 'Tali' (a small golden dish indicating wife-hood) in the presence of the deity and dedicate them as 'Basavis'. When they grow up, they are not bound to marry and are free to lead a life of liberty, as they are supposed to have been married to God Himself. As religious colouring is thus attached to the 'Basavi' system, it appears that rigorous action has not been taken against the persons concerned under the Suppression of Immoral Traffic in Women and Girls Act, 1956. In order to combat this degrading custom, it is necessary that the Social

Welfare Department of the State Government should give special attention to this problem and tackle it on a planned basis. It may be mentioned that this Organisation took the Ministry of Home Affairs (which were then concerned with the welfare of backward classes) three years back and this resulted in the opening of a residential school at Kudlagi for the 'Basavi' children, during 1965-66. More strenuous efforts are required to be made to tackle this problem.

B—SCHEDULED TRIBES

4.7 In the case of Scheduled Tribes also, the practice of bonded labour stems from indebtedness. This practice, known by the names indicated in brackets, has been found to be prevalent amongst the Scheduled Tribes in Andhra Pradesh (Gothi, Jeetha, Palitanam), Kerala (Begar), Madhya Pradesh (Mahidari, Harwahi, Hali Kamia), Madras (Begar), Maharashtra (Vet, Begar), Orissa (Gothi), Rajasthan (Sagri) and Dadra and Nagar Haveli (Valva).

4.8 The Government of Andhra Pradesh has held that the practice of bonded labour which was found to be prevalent in the Scheduled Areas of Srikakulam, Visakhapatnam, West Godavari and East Godavari, has died out. It was indicated in some previous reports that this claim of the State Government did not appear to be correct and that the practice was surviving. A limited survey conducted by this Organisation during the year under report supports this conclusion. The Madras Debt Bondage Abolition Regulation, 1940 has been in force in the Scheduled Areas of the Andhra region, no cases are reported under the Regulation. Salient provisions of this Regulation are that all Gothi agreements will be wholly void though labour agreements shall not be void if copies of such agreements are filed with the State Government and the remuneration agreed is fair and equitable in accordance with the rates fixed ; the period of the agreement does not exceed one year ; and the interest being charged in advance is simple interest at the rate of $6\frac{1}{4}\%$ per annum or less. The Collectors

who are in charge of the working of this Regulation have reported in their annual reports of the areas that the Regulation has not been contravened. However, it is clear from the survey referred to above that even though labour agreements in the nature of bonded labour are entered into, no written agreements are executed or registered with the concerned authorities. As regards the fixation of fair and equitable remuneration under Regulation (4), it is understood that the remuneration was last fixed in August 1959. The Board of Revenue which is looking after the working of this regulation and other regulations in the Scheduled Areas had earlier held that the rate of remuneration had been reviewed every year, but on subsequent enquiry the Board had informed that they were not aware whether orders issued in 1959 were still in force. Thus it is apparent that the Regulations are not being properly enforced and there is a need that the State Government tightens up the enforcement of the regulations. As regards the Telangana region, the Board of Revenue informed that in July, 1964 they had recommended to the State Government to extend the Madras Debt Bondage Abolition Regulation, 1940 to that region, but the State Government have yet to make a decision on that point. It is desirable that the Regulations are extended to that region at an early date.

4.9 The survey on the economic conditions of Pariyans of Wynad in Kerala conducted by the Bureau of Statistics and Economics of the Government of Kerala, throws light on the system of bonded labour as prevalent in the area. The survey which was conducted in the year 1965, covered North Wynad Taluk in Cannanore District and South Wynad Taluk in Kozikode District. While studying the socio-economic conditions of the Paniyans it was found in the course of survey that a system of bonded labour was prevalent there.

40. 10 In the 1960-61 report the incidence of Sagri, a system of bonded labour as prevalent in Rajasthan was found in the course of a survey conducted by this organisation.

During May-June, 1965, the Tribal Research Institute and Training Centre, Government of Rajasthan, also conducted a survey* on the Sagri system in Dungarpur Tehsil of Dungarpur district. This survey had, inter alia, intended to assess the impact made by the Rajasthan Sagri system abolition Act, 1961, but its findings do not clearly specify as to how far that Act has been helpful in reducing the incidence of Sagri, it is apparent from the findings of this survey, as well as a survey conducted by this Organisation in the year 1963-64 already reported in the Report for that year, that the system has pretty high incidence in several areas. An early implementation of the recommendations made in the 1963-64 Report for a vigorous enforcement of the law on the subject is, therefore, imperative.

4. 11 In the 1962-63 report of the Commissioner it has been stated that the very existence of "bonded labour systems, whatever their magnitude may be, militates against the aims and objects of the Welfare State aspiring for a free and egalitarian society." It was also recommended in that report that concerted efforts should be made by the Government "to find out the conditions of service and the number of persons involved in such unwholesome practices and to take steps to free them from this serfdom by allocating to them cultivable waste lands and affording other necessary facilities, so that they can rehabilitate themselves as free men." The information regarding the action taken by the concerned Governments/ Administrations on that recommendation, so far, is, however, far from satisfactory. The Governments of Kerala, Madras and Orissa have in their replies simply described the concessions allowed for the grant of cultivable waste lands to the tribal people and no mention has been made regarding the efforts, if any, made to direct the allocation of lands, specifically to the groups of tribal people exploited under bonded labour. It is thus apparent that the urgency of the problem has not been

*See Appendix III.

appreciated and adequate steps are yet to be taken by the concerned States/Union Territories.

4. 12 As stated in the case of the Scheduled Castes the reasons which compels the various Scheduled Tribe persons concerned to bind themselves under the system of bonded labour is usually the loan which they take at exorbitant interest, promising to serve in the agricultural fields of the creditors in return for nominal financial gain. The importance of undertaking sample surveys for gauging the extent, reasons, etc., of indebtedness amongst the Scheduled Tribes and discovering the corrupt methods adopted by the money-lenders operating in the tribal areas has been stressed more than once in these reports. The findings of such surveys conducted by various agencies (both official and non-official) in Bihar, Gujarat, Madhya Pradesh, Maharashtra, Himachal Pradesh and Tripura have been given in the previous reports. During the year under report, the findings of similar surveys undertaken in the Scheduled Areas and other predominantly tribal areas of Andhra Pradesh, Gujarat, Madhya Pradesh, Madras, Punjab and Himachal Pradesh have become available. Eleven of the village study monographs@ so far published by the Registrar General of India in connection with the 1961 census, relating to predominantly tribal population (more than 50 per cent) in the States of Andhra Pradesh, Assam, Rajasthan and Madras, also give information on the state of indebtedness amongst the house-holds surveyed in these villages. The legislative and executive measures* undertaken in the various States and Union Territories for control of money-lending have been indicated in the previous Reports. There has been no change in that regard during the year under report.

@ For salient points advised in these surveys, please see Appendix IV.

* For salient facts regarding the working of the existing laws or the need for the new laws in this respect, please see appendix V.

REPORT FOR 1966-67

4.2 Forced labour, as such, is not found anywhere in the country. In certain areas, however, a modified form of servitude, connected with agriculture, still continues to exist. Persons belonging to the Scheduled Castes and Scheduled Tribes fall a prey to this system on account of their poverty. They have sometimes to borrow money from money-lenders, whom they agree to serve in return till the loans are repaid. Exorbitant interests are often charged on the loan, while very low wages are paid to the people for the work done. It has often been noticed that members of the Scheduled Tribes are the worst sufferers in this respect, for they are more illiterate and yield easily to the guiles of the money-lenders. This subject has been dealt with already in previous reports of the Commissioner for Scheduled Castes and Scheduled Tribes, where various suggestions were also made for combating this evil. (See for example, Report of 1965-66).

4.2 During the year under review, an experimental scheme was undertaken by the Government of Madhya Pradesh, through the Madhya Pradesh Tribal Co-operative Development Corporation, for which an amount of Rs 1 lakh was sanctioned by the Government of India. According to this scheme, financial assistance was to be given to members of the Scheduled Tribes even for non-productive purposes : in each case the sum was not to exceed Rs. 150. The amount is recoverable in 12 months from the date of issue, if the money is required for consumption purposes. Loans taken for social needs are made repayable within three years instead. It is yet too early to assess the result of this scheme on the communities concerned.

REPORT FOR 1967-68.

In spite of the fact that forced labour is prohibited under Article 23 of the Constitution and most of the State Governments have enacted legislation to eradicate its practice, this

organization is constrained to observe that it still exists in a concealed form in some parts of the country. This has been mentioned in previous Reports. During the year under review, it has been noticed that in KERALA, the Paniyans and Adiyans, who are Scheduled Tribes, suffer from this vicious system in the Wynad area of Kozikode and Cannanore Districts. In Koraput district of ORISSA, a system of bonded labour called Gothi is still prevalent in a virulent form, in spite of the Orissa Debt Bondage Abolition Regulation, 1948. In MADRAS State too, stray cases of the practice of bonded labour involving Sholaga (a Scheduled Tribe) and Arunthaiyar (a Scheduled Caste) have come to the notice of the authorities of Coimbatore district.

4.2 The attack on forced labour, to be effective and enduring, should be four-pronged. Firstly, suitable legislation should be enacted to deal with this system wherever such a legislation does exist, as is the case in the States of MADRAS and KERALA, and the practice of forced labour preferably made a cognizable offence. Secondly, there should be a stringent field machinery to ensure effective implementation of the provisions of the legislation in force in different States. Thirdly, as forced labour is a direct result of indebtedness, short-term and long-term credit should be provided generously to enable the Scheduled Caste and Scheduled Tribes people to free themselves from the strangle-hold of money-lenders. Fourthly, effort should be made to raise the repaying capacity of these people by improving their earning capacity.

4.3 One effective method to save the tribals from the clutches of money-lenders is to write off their old debts. The Central Advisory Board for Tribal Welfare of the Ministry of Home Affairs then responsible for tribal welfare at its meeting held on October 13, 1957, had recommended that "all Adivasi debts which are more than three years old should be written off and the debts of the last three years should be paid up after allowing the interest at the minimum rate but not exceeding

6 per cent in any case." Accordingly, the Ministry of Home Affairs had sent a letter to the various State Governments in November, 1957, to take appropriate steps in this direction. It, however, appears that the Ministry's instructions have not been adequately given effect to. As far the Commissioner's Organization is aware, only the Government of ANDHRA PRADESH had, through Andhra Pradesh Regulation No. II of 1960, provided for the scaling down of debts incurred by the tribals before 1st January, 1961. This important suggestion requires to be followed up effectively.

4.4 The tribal people, specially, spend extravagantly on religious ritual and social obligations. Attempts on the part of State Governments to check these improvident habits of the tribal people through restrictions on loans for unproductive purposes have only resulted in further strengthening the hands of the money-lenders. The Government of MADHYA PRADESH had, therefore, under-taken an experimental scheme through the Madhya Pradesh Tribal Development Corporation, to advance loans to the members of the Scheduled Tribes for unproductive purposes. A study* of the pilot scheme in the Bagicha Block in Raigarh district of the State, made by the Tribal Education Unit of the Department of Adult Education of the National Institute of Education, has revealed that this scheme had a salutary effect on the tribal people inhabiting the area. The study also showed that the scheme was popular among the members of the Scheduled Tribes.

4.5 The scheme of advancing loans for unproductive purposes introduced in MADHYA PRADESH may be usefully extended to other States. Simultaneously, attempts should be made to promote a habit of thrift among them by persuasion, and in this field voluntary agencies can play a useful and significant role.

REPORT FOR 1968-69.

The practice of forced labour is prohibited under Article 23 of the Constitution. However, it still continues to exist in one form or other, generally in the form of bonded labour in a number of States, details of which have already been given in the previous Reports. The Committee on Untouchability, Economic and Educational Development of the Scheduled Castes, has also dealt with the problem of bonded labour in their report. The Committee has also found that this practice does exist in some form or the other in the States of Andhra Pradesh, Jammu and Kashmir, Madhya Pradesh, Maharashtra, Mysore, Orissa, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh, despite the legislative and executive measures undertaken for eradication of this practice.

6.2 A survey conducted by the Commissioner's Organisation in 17 villages of district Dungarpur in Rajasthan in 1964, details of which were given in the 1963-64 Report, had revealed the existence of bonded labour known as Sagri system in 10 villages. A study* undertaken by the Tribal Research Institute and Training Centre, Udaipur, based on the data collected in 1965 in respect of 12 villages of the same district and repeat survey of 5 of those villages in 1969, has also revealed the existence of this system in all the 12 villages surveyed, though the system is found to be losing ground. The study also revealed that a significant number of persons became Sagris even after the enactment of Sagri Abolition Act, in 1961, which indicates that the Act has not achieved its objective of prohibiting this system. In fact only 14% of the Sagris, namely, 16 out of 112, who were asked about the existence of the Act, were aware of it. The study has also revealed that Sagri system is prevailing because there is no other suitable agency to substitute the money-lender. The binding force on the Sagri has loosened. The Sagri is now more an agricultural labourer than a domestic servant.

* Published in the *Tribe*, December, 1968—a quarterly bulletin of the Tribal Research Institute and Training Centre, Udaipur.

6.3 A survey conducted among the Koltas and other artisan class of Jaunsar-Bawar area of district Dehradun in Uttar Pradesh, by the Organisation of the Director General of Backward Classes Welfare, has revealed that the high incidence of indebtedness among Koltas has given rise to the existence of bonded labour, locally known as Mat system. This practice was found in all the five villages surveyed, where 38 persons including two women were found bonded in 64 families surveyed. Under this system, a person after taking loan has to attend to domestic as well as agricultural work. The conditions vary from village to village and depend upon the amount of debt. For instance, in one of the villages a man was bonded for one day in a month for a debt of Rs. 20/-. Thus if one borrowed Rs. 100/-, one had to work for 5 days a month for the Sahukar or money-lender. Permanent bonded labourers were provided one breakfast and two meals a day and one set of clothes a year. Sometimes the debt is not cleared for generations and consequently a person has to work as Mat for the debt taken mostly for unproductive purposes, by his father and even grand father.

6.4 The Study Team on the Tribal Development set up in Tamil Nadu in 1967, had also indicated in its Report, the existence of the practice of bonded labour in the Nilgiris district of the State. However, the Collector of Nilgiris has reported that the system of labour prevalent in that district could not be termed as bonded labour as there was no compulsion or force behind the employment.

6.5 A reference about the existence of Valva system, a form of bonded labour in Dadra and Nagar Haveli, was given in the previous Reports. However, the Dadra and Nagar Haveli Administration, as well as the Deputy Director of Backward Classes Welfare concerned, have now reported that this system did not appear to be that of bonded labour.

INDEBTEDNESS

6.6 The high incidence of indebtedness among Scheduled Tribes and Scheduled Castes, has in fact given birth to the system of bonded labour in whatever form it exists. The survey conducted by the Organisation of the Director General of Backward Classes Welfare in Jaunsar-Bawar area of Uttar Pradesh, as referred to above, has indicated that out of a total number of 64 families surveyed in the five villages, as many as 53 families were in debt. The total debt taken by these families amounted to Rs. 38,695/-, more than 90% of which was taken for unproductive purposes; the rate of interest varied from 18% to 75%. The survey also revealed that the main reason behind high incidence of indebtedness was the high per capita expenditure of 54 to 63 paise per day against 25 to 32 paise per day of per capita income due to small land holdings.

6.7 The Economic and Statistical Organisation, Punjab, conducted a survey on indebtedness, during 1966-67, with the object of ascertaining the impact of various welfare measures taken by the Government from time to time for the Scheduled Castes. The survey revealed that out of 3,243 sampled families of Scheduled Castes, 1,856 (57.2%) were in debt with an average debt of Rs. 796/- per family. The families in debt mostly belonged to Chamar, Ramdasia and Ravidasi communities. The survey also revealed that 35.5% of the families had taken debt for domestic purposes, 29.5% for social ceremonies, 13.5% for house repairs/construction, 12.4% for agricultural purposes, 1% for education of their children and the remaining 10.1% for other purposes.

6.8 As a deterrent to the system of bonded labour, it is necessary to control the usurious activities of money-lenders. In fact, most of the States have already undertaken legislative and executive measures for the purpose, details of which have already been given in the previous Reports.

6.9 To regulate money-lending transactions and to grant relief to debtors in the then Province of Bihar, the Bihar money-lenders Act, 1938 (Bihar Act III of 1938) was enacted, and in order to remove some doubts regarding the validity of certain provisions of the Act the Bihar Money lenders (Regulation of Transactions) Act, 1939 (Bihar Act VIII of 1939) was also enacted. These enactments are applicable to all in the State of Bihar and have no specific provisions for Scheduled Castes and Scheduled Tribes. Accordingly, the Bihar Scheduled Areas Regulation, 1969, was passed to make certain amendments in these Acts in their application to the Scheduled Areas of the State. The amendments require every money-lender to declare the date and amount of loan advanced by him to a Scheduled Tribe person, along with details of interest, repayment of loan, if any, and other terms and conditions of the loan. In case of failure to declare these loans within the specified period, it is to be presumed that no loan was advanced to the Scheduled Tribe person concerned. The Regulation also empowers the Court to fix instalments for repayment of loans and also to postpone the payment of first instalment for a period not exceeding five years from the date of the order, without any interest for that period, in the case of a Scheduled Tribe debtor. The Regulation has also provided for the constitution of a Conciliation Board for amicable settlement of disputes between the money-lenders and debtors, in cases where the amount of loan exceeds one hundred rupees, without involving any transfer of land to the debtor.

6.10 In the Union Territory of Dadra and Nagar Haveli, the Bombay Money Lenders Act, 1946, as extended to the Territory was enforced from 1st June, 1968, with the framing of rules under this enactment. In this Territory it is reported that the problem of indebtedness is not so acute and as such no legislative or executive measures have been undertaken for debt redemption and scaling down of old debts.

6.11 In the Union Territory of Laccadives, though the Laccadives, Minicoy and Amindivi Islands (Debt Conciliation and Grant of Loans) Regulation was promulgated in 1964, the rules under this Regulation were framed and enforced on 1st October, 1968. According to these rules, loans are sanctioned to indebted islanders whose debts have been scaled down by the Tribunals appointed under the said Regulation.

6.12 The Government of Goa, Daman and Diu have appointed a Rural Indebtedness Commission in the Territory. The Commission is likely to submit its report by the end of 1969.

REPORT FOR 1969-70

11.14 The high incidence of indebtedness among the Scheduled Castes and Scheduled Tribes is primarily responsible for the existence of the system of bonded labour with which these people are suffering. Article 23 of the Constitution prohibits traffic in human beings and the practice of forced labour as a result of which forced labour does not appear to exist in the country. However, bonded labour, a modified form of servitude, still persists in some form or the other in a number of States/Union Territories. The various names given to this practice of bonded labour and the Castes/Tribes subjected to this practice in different States/Union Territories have been given at Appendix XXIX.

11.15 According to the latest information available from the State Governments/Union Territory Governments/Administrations concerned this system does not exist in the States of Gujarat, Jammu & Kashmir, Haryana, Maharashtra, Nagaland, Punjab, West Bengal and Union Territories of Chandigarh, Dadra and Nagar Haveli, Delhi, Goa, Daman and Diu, Himachal Pradesh, Manipur, Pondicherry and Tripura. The Government of Madhya Pradesh in the Labour Department have opined that since no such survey has been undertaken, the Department had no knowledge of the prevalence of the practice of bonded labour. The Zonal Director, Backward Classes

Welfare, Central Zone, Bhopal, in a note regarding the prevalence of the practice of bonded labour amongst Scheduled Castes and Scheduled Tribes in Madhya Pradesh, submitted to the Department of Social Welfare, Government of India, has, however, stated that in the districts of Ratlam, Morena, Jhabua and Mandsaur, the system is prevalent in a mild form with regional variations of name and intensity.

11.16 According to the Government of Tamil Nadu too, the practice of bonded labour is not prevalent in the State. The system of labour which is generally taken as the system of bonded labour, prevalent in the districts of Madurai, Coimbatore, and Nilgiris is not in the nature of bonded or forced labour. In these districts the agriculturists employ Scheduled Caste and Scheduled Tribes people who, with a view to be employed continuously work for the agriculturists/employers willingly with no compulsion or force for such employment. They are always free to leave one employer and work for the other. The relationship between the employer and the employee also remains cordial. In the district of Nilgiris, the tribal people thus employed are fed by the employers in addition to payment of wages in kind at the rate of two seers of paddy per head for male cooly and one seer for a female cooly per day. They are also provided with houses.

11.17 The Government of Uttar Pradesh, informed that the practice of bonded labour has been stopped as taking of 'begar' is an offence under Section 386 of the Indian Penal Code. The survey conducted among the Koltas and other artisan class of Jaunsar-Bawar area of District Dehradun in that State, by the organization of the Director General of Backward Classes Welfare, however revealed existence of bonded labour, locally known as 'Mat' system. This finding was further supported by another survey conducted in that area among Koltas and other artisan class, by this organization in November, 1969. The survey revealed that many of the Kolta informants had attached themselves to upper caste money-lenders in order to pay interests for the loans taken

for marriages etc, and also to earn their living by working in the fields of the money-lenders.

11.18 In reply to a question raised in the Lok Sabha on 25th March 1969 regarding the existence of slavery involving Halpati tribe in the State of Gujarat, the Minister of State in the Department of Social Welfare, denied the existence of slavery among Halpatis of that State. However, a system of labour called "Hali" system of debt-bondage existed in that State. Under this "Hali" system the Halpatis and their families used to render "bonded labour" in return for a loan taken usually for the purpose of marriage. The Government of Gujarat had also appointed a "Hali" Labour Enquiry Committee to enquire into the problem as early as in 1917. Consequent upon an agreement reached in 1948, the Hali system in Surat district of Gujarat was abolished. Moreover, in order to control the system of debt-bondage, the Government of Gujarat was also making use of the Bombay Money Lender's Act, 1944. It was observed in 1966 that this Act had not been strictly enforced in the Scheduled Areas of Gujarat. To remedy the situation, the State Government, is reported, have appointed Inspectors of Money lenders for the Scheduled Areas. The State Government have also undertaken a number of special schemes particularly allotment of land, housing and industrial training to enable the people of this tribe to stand on their own feet.

11.19 As reported by the Administration of the Union Territory of Laccadives, Minicoy and Amindivi Islands, a system of bonded labour called "Nadappu" was also prevalent in the Territory under which tenants were required to give a type of compulsory service to their landlords. This has, however, now been legally abolished under section 85 of the Laccadives, Minicoy and Amindivi Islands Land Revenues and Tenancy Regulation, 1965 enforced in 1968.

11.20 The Government of Mysore have reported that a system of bonded labour locally called as "Jeetha" system existed in 31 villages of Hanagal Taluk and 10 villages of Mundargi Taluk in Dharwar District, where as many as 365

persons belonging to Scheduled castes were subjected to this practice. Similarly this system existed in about 11 villages of Sira Taluk where Adi-Karnatakas and Adi-Dravidas were the main victims of the system. The State Government is considering to take suitable steps for their rehabilitation.

11.21 Since the practice of bonded labour still exists in some States and Union Territories, it is suggested that concerted efforts should be made by the State Government/Union Territory Governments/Administrations concerned to find out the conditions of service, number of persons subjected to these practices and immediate steps be taken to free them from such serfdom by taking suitable legislative and executive measures. Cultivable waste lands and other necessary facilities should also be provided to them so that they rehabilitate themselves as free men.

REPORT FOR 1970-71

6.20 The practice of bonded labour which is known by different names in different States still exists in many States/Union Territories. In Andhra Pradesh, it is called Gothi or Vetti ; in Gujarat, Hali ; in Jammu & Kashmir, Jana, Manjhi or Ijhari ; in Kerala, Valloorkavu Panam or Nilpu Panam ; in Madhya Pradesh, Harvahi Mahidari, Hali, Kamia ; in Maharashtra, Vet or Begar ; in Mysore, Jeetha ; in Orissa, Gothi ; in Rajasthan, Sagri ; in Uttar Pradesh, Khundit-Mundit, Mat or Sanjayat ; in Dadra and Nagar Haveli, Vavla ; and in Laccadives, Nadappu.

6.21 The practice of bonded labour originates from indebtedness which has direct relevance with poverty. Since mostly the Scheduled Tribe and Scheduled Caste persons have poor economic base, they are the victims of this age-old practice. The money-lenders, traders, and contractors advance cash or articles and large exorbitant rates of interest ; but when landlords advance loans either in the form of cash or kind to landless labourers, they usually demand free service from the

latter as they are not in a position to pay back the loan, and the interest goes on increasing. The loanees thus become bonded to the landlords. A bonded person gives service life-long, and his male heir inherits the obligation to serve his father's master. In our earlier Reports we have strongly recommended that steps should be taken to abolish this evil system. The Scheduled Areas and Scheduled Tribes Commission, in 1961, had also recommended that the State/Union Territory Governments/Administration should pass necessary legislation to stop this practice. The Study Team on Tribal Development programme observed in their report in 1961 that in spite of the recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes and the Scheduled Areas and Scheduled Tribes Commission, several states had not taken any action in this regard. During the year under report the various State and Union Territory Governments/Administrations were requested to send information regarding the existence of the practice. The State Government/Union Territory Administrations of Andhra Pradesh, Himachal Pradesh, Kerala, Madhya Pradesh, Maharashtra, Mysore, Nagaland, West Bengal, Tripura, Tamil Nadu, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Delhi, Goa, Daman and Diu and Pondicherry have informed that the practice of bonded labour does not exist in their States/Union Territories. It is a fact that the practice of bonded labour is dying gradually due to general awareness among the backward people. Still a certain percentage of Tribal and Scheduled Caste population, due to economic domination by the landlords, do not disclose the truth about the practice of bonded labour because in doing so they will lose the confidence of their masters who will stop giving financial support. In some cases, the bonded persons know that injustice was being done and there was protective legislation to safeguard their interests, but they did not bring it to the notice of the court. For example, the Tribal Research Institute at Udaipur studied the Sagri system in Rajasthan with reference to the effect of legislation passed in 1961. The report revealed that out of the

total informants, 40 per cent became Sagris before 1961 and 50 per cent of them became Sagris after the enactment of the Legislation in 1961. Only 14 per cent of the Sagris interviewed know about the Legislation but none of them went to the court to get rid of their bond. In Laccadives, the system of bonded labour viz., 'Nadappu' prevalent among the Scheduled Tribes throughout the Union Territory, was abolished legally by the enactment of the Laccadives, Minicoy and Amindivi Islands Land Revenue and Tenancy Regulation 1965, which was enforced in 1968. The Union Territory Administration have informed that the practice of 'Nadappu' has been stopped. Some States and Union Territories where the practice of bonded-labour was still in existence did not send the required information asked by us. May be, the authorities did not have sufficient data requiring the latest position of the said practice. It is suggested that surveys and studies should be undertaken by the concerned State and Union Territory Government/Administrations to find out the exact position. In the States/Union Territories, where legislative measures have not so far been taken to abolish the system of bonded labour, necessary legislation should be enacted immediately. The offenders should be dealt with severely and it should be made a cognizable offence, otherwise this unsocial practice will not die.

REPORT FOR 1971-72 AND 1972-73

Begar and other similar forms of forced labour are prohibited under Article 23 of the Constitution. However, it still continues to exist in one form or other, generally in the form of bonded labour in a number of States/Union Territories, details of which have already been given in the previous Reports. The various States and Union Territories where the system of bonded labour is in existence, the local names and the communities affected by the system may be seen in Appendix LI. "The prominent feature of the system is that a man pledges his person or sometimes a member of his family against a loan.

The pledger or his nominee is released only on its discharge. Until then the man himself or the member of the family is required to work for his creditor against his daily meals. Since he gets no money, he has to depend upon someone in the family to procure the sum required for his release and this, of course, is rarely available. The relationship lasts for months and sometimes years, occasionally for an entire life time and not infrequently follows the male heir".

12.2 This evil practice has been criticised by several Members of Parliament in the Rajya Sabha and Lok Sabha during the year 1973. It is observed that most of the States/ Union Territories are reluctant to accept that bonded labour is prevalent in their areas. The replies that are, therefore, received in this Organisation indicate that the practice has completely died out, which however is not a fact on the basis of Sample Surveys done by this Organisation and various other bodies. It is felt that until the States/Union Territories recognise bonded labour as a serious problem, they will not be able to chalk out suitable legislation and developmental measures to combat it.

12.3 In Andhra Pradesh, the practice of bonded labour was found to be prevalent in the Scheduled Areas of Srikakulam, Visakhapatnam, West Godavari and East Godavari as indicated in the Commissioner's Report for the year 1965-66. The Madras Debt Bondage Abolition Regulation, 1940, has been in force in the Scheduled Areas of the Andhra region. Salient provisions of this Regulation are that all Gothi agreements will be wholly void though labour agreements shall not be void if copies of such agreements are filed with the State Government and the remuneration agreed is fair and equitable in accordance with the rates fixed, the period of the agreement does not exceed one year ; and the interest being charged on advance is simple interest at the rate of 6-1/2% per annum or less. As regards the fixation of fair and equitable remuneration under Regulation (4), it is understood that the remuneration

was last fixed in August, 1959. The Board of Revenue which is looking after the working of this Regulation and other Regulations in the Scheduled Areas had earlier held that the rates of remuneration had been reviewed every year, but on subsequent enquiry the Board had informed that they were not aware whether Orders issued in 1959, were still in force. According to a latest communication received from the State Government the practice of bonded labour is extinct. This view of the State Government is obviously based on the replies received from the District Collectors. It is suggested that a detailed study on the subject must be carried out by the State Tribal Research Institute as it is difficult to believe that the economic condition of bonded labourers has improved to such an extent that during a period of eight years this practice has completely disappeared.

12.4 In Bihar, the Bishop of Daltonganj highlighted the system of bonded labour in the district of Palamau which attracted the attention of the members of Parliament and State legislature. A quick survey was therefore made by a Study Team of this Organisation in July, 1973 which revealed that the facts mentioned were correct. The team visited 1 village in Chainpur Block in Sadar Sub-Division and 2 villages each in Manika and Ranka Blocks in the Katihar Sub-Division and Garhwa Sub-Division respectively. In all these 5 villages it was observed that the practice of bonded labour was still prevalent. Some of the main findings are as follows :

- (i) Out of the 58 persons interviewed, 34 Scheduled Caste and 24 Scheduled Tribe persons were working as bonded labourers. In many cases the husband, wife and children were working as bonded labourers to the person from whom their head of the family had taken loan.
- (ii) The amount of loan varied from Rs. 22/- to Rs. 350/- and the loans were advanced on verbal understandings or obtaining kachcha receipts. The bonded labourers were to work with their masters till the loan was

repaid. The loan was to be repaid by the son in case the father died and many families were found in perpetual debt.

- (iii) The loans are generally taken for non-productive purposes like marriage, repayment of earlier loans, medical treatment and domestic consumption.
- (iv) The duration of the loan taken by the persons who were interviewed varied from 2 months to 20 years.
- (v) The Scheduled Caste and Scheduled Tribe persons were generally bonded as labourers to persons belonging to Brahmin and Baniya communities who owned land. Many of these land owners were also shop-owners.
- (vi) The Minimum Wages Act was not enforced by the State Labour Department.
- (vii) A bonded labourer is expected to work in the fields of his master and is generally given, in the morning, breakfast consisting of $\frac{1}{4}$ -kg. of Sattu and about $\frac{1}{2}$ Kg. of coarse grain at lunch time. In case his wife and children are also working in the fields with the same master they are also given food at reduced scale.
- (viii) In one village, it was informed that in addition to the payment of foodgrains every day, a bonded labourer is paid Rs. 15/- per month which is adjusted against the loan taken by him. The rate of interest on the loans advanced to the bonded labourers is about 100 per cent and therefore, it becomes very difficult for these persons to be free from the clutches of these landlords/money-lenders who have advanced loans to them.

12.5 A study was also conducted by the State Tribal Research Institute, Ranchi, during the year 1973. 27 villages (Bhandara Block and Ranka Block—18 and 9 villages from other Blocks) were covered. In all 232 informants were interviewed and persons belonging to both official and non-official

agencies were also interviewed. Out of 232 informants, 98 were Scheduled Tribes, 81 Scheduled Castes, 23 Backward Classes and 1 Muslim. Majority of the bonded labourers belonged to Korwa tribe. Among the Scheduled Caste persons majority of the bonded labourers belonged to Bhuiya caste. Some of the main findings highlighted in the study are as follows :

- (i) If a bonded person, who took loan from his master, died before repayment of the debt then his son would have to work for his master as bonded labourer, and as many as 18 such cases came to notice.
- (ii) Majority of the persons took loan to meet non-productive purposes (59% of the loans were taken for meeting domestic needs, 14% for marriage purposes, 11% for celebrating festivals and rest of the loans were taken for death rites & medical treatment).
- (iii) Maximum duration of serfdom was 13.6 years and minimum 3.6 years.
- (iv) The masters of the bonded labourers belonged to various castes and communities. It was estimated that 23% of the creditors belonged to Baniya caste, 10% to Ahir Caste, 10% to Rajputs, 8% to Brahmans and the rest belonged to various other communities. In the Sonkiya system, the Kamias (bonded persons) take it for granted that they have to serve their employers in cultivation and other such jobs as required by them since they have been given some land for cultivation. In fact, it was noticed that people willingly joined their exploiters knowing fully well that they would be exploited by their employers and made to serve as bonded labourers during their life time and even if they were not able to repay their loans, their children would have to work for their master till they were in a position to free themselves by paying the debt of their parents.

- (v) Out of 232 informants as many as 48 bonded labourers informed that they accepted this system of employment at their own accord and only 32 were against this contract and 152 informants did not express their opinion on the system. Those who did not express their opinion or those who stated that they accepted this system willingly, perhaps accepted this system since there was no way out for maintaining themselves. They preferred not to give the correct expression and majority of them preferred to remain silent about the issue for fear of losing their earnings.
- (vi) All the persons (bonded) interviewed were illiterates and their social and economic conditions were deplorable.
- (vii) Out of the total informants about 21 persons reported that they were beaten up by their employers, and 25 persons stated that they were often abused by their employers. The rest of the informants preferred to show their indifference in this matter, perhaps due to fear of losing their bread.
- (viii) Sale of illicit liquor and illicit distillation which was widely prevalent in the district was responsible for the continuation of the bonded labour system. 59% of the interviewed persons were addicted to drink. Although there was a ban on sale of liquor from 9 A.M. to sunset, the liquor was made available to the intended clients throughout the day. During 1966-67, 974 cases of illicit sale were registered and figures went to 1531 in 1972-73. About 18% of the excise revenue of the district is paid by the 2 Blocks which were surveyed.

12.6 The Government of Bihar had proposed to take the following action after the receipt of the survey report of the Tribal Research Institute regarding the practice of bonded labour in Palamau District :

- (i) A High Level Committee consisting of the representatives of the Planning, Welfare, Labour and Co-operative Department will study the different aspects of the problem and make suitable recommendations to the Government.
- (ii) The recommendations will be scrutinised by Government and thereafter an Implementation Committee under the Chairmanship of the Deputy Commissioner Palamau will implement the various decisions within a stipulated period.

It is hoped that the State Government will take early steps in the matter.

12.7 In Gujarat, a system of labour called Hali, existed in the State. Under this system, the Halpatis and their families used to render "bonded labour" in return for a loan, taken usually for the purpose of marriage. The Government of Gujarat appointed an Enquiry Committee to enquire into the problem in 1947 and in 1948, Hali system in Surat district was abolished. The Bombay Money Lender's Act, 1946, is in force and the State Government had appointed Inspectors of Money lenders for the Scheduled Areas. According to a latest communication received from the Gujarat Government, the practice of bonded labour is not prevailing in the State at present. The minimum rates of wages for agricultural labourers have been fixed in 1972 and the State Government has also notified Deputy Collectors, Mamlatdars, Aval-Karkuns etc. as Minimum Wages Inspectors under the Act for intensive implementation of minimum rates of wages in agriculture. The Government of Gujarat have taken steps for liberating the Halpatis from bondage. Halpati Seva Sangha, a voluntary organisation, has taken up programmes like training-cum-production centres for enabling the Halpatis to increase their employability in various professions. The Sangh has undertaken schemes of giving training to Halpatis in various jobs connected with printing, manufacture of agricultural tools, etc.

etc. As sufficient land may not be available for the settlement of Halpatis on land, these schemes are welcome and need to be enlarged so that these persons are liberated from bondage.

12.8 In Karnataka, a system of bonded labour locally called as Jeetha system existed in Dharwar district. According to a recent communication, the practice of bonded/forced labour was not rampant in this State. However, in order to examine the question of enactment of suitable legislation, copies of legislation prevalent in other States were being obtained by the State Government.

12.9 In Kerala, the practice of 'bonded labour' is existing in some areas of the State viz : in the North Wynad in Cannanore district, in South Wynad in Kozhikode district and in the Malappuram district. According to this system which is prevalent among the Paniyans and Adiyans of Wynad areas, a certain amount of money, house sites and other concessions are allowed in advance to the Paniyans and Adiyans by the landlords as wages for the period of contract. The main condition of the contract is that the persons concerned should work for one landlord only during a specified period. The main reason for bonded labour is reported to be to get land for house and to get job for living. The landlord who is the employer as well as the money-lender pays a lump-sum money in advance as loan which is called 'Vallurkavu Panam' or 'Nilpupanam' and in consideration of that, the indebted person agrees to render labour or personal services by himself or through the members of his family to the landlord for a specified period without wages or on payment of nominal wages and in cases of failure, he is bound to repay the amount received from the landlord. The State Government have prepared a draft Bill entitled, The Bonded Labour System (Abolition) Bill, 1972. The Bill contemplates discharging of the obligations under the advances already made and penalising the making of future advances. That draft Bill is yet to be introduced by the State Government in the Legisla-

tive Assembly. The Government however, have appointed two Welfare Officers one at North Wynad and the other at South Wynad to protect the interests of the agricultural labourers.

12.10 In Madhya Pradesh, it was reported that in the districts of Ratlam, Morena, Jhabua and Mandsaur, the system is prevalent in a mild form with regional variations of name and intensity. But according to the latest communication from the Madhya Pradesh Government, forced/bonded labour is not being practised in the State.

12.11 In Maharashtra, no instances of practice of bonded labour in the State were reported. No legislative or executive measures have been taken. However, practice of bonded labour in any form is prohibited under the General Labour Laws.

12.12 In Orissa, a system of bonded labour Gothi prevailed in different forms in different parts of the State particularly in Koraput, Kalahandi and Ganjam districts. The Gothis were generally required to perform both agricultural and domestic services. It was a system of labour whereby a person on receiving a loan, in cash or kind, engaged himself by a written agreement to be a labourer of his creditor, for agricultural and domestic purposes, as long as the loan together with the interest remained unpaid. In a few cases even the children and near relatives of the Gothis were found to be serving the creditors after the death of the Gothis. In 1972, during a study conducted in the Koraput district by this Organisation, it was observed that Gothi system prevailed in the Gunpur Sub-Division but the system was found to be a sort of labour contract. Though, it could not be called slavery, yet the bonded persons in some cases were exploited.

12.13 In Rajasthan, the Rajasthan Sagri System Abolition Act, 1961 has been enforced in the State. No cases were

registered under the said Act during 1971-72. The other Acts existing in the Scheduled Areas are Minimum Wages Act, 1951 and Rajasthan Agricultural Debt Relief Act, 1951. However, it is reported that in some backward areas, particularly in Dungarpur district the Sagri System was prevalent.

12.14 In Tamil Nadu, the State Government stated that the system of bonded labour was not prevalent but, a system of labour which was generally taken as the system of bonded labour, was prevalent in the district of Nilgiris. The Chetty Riayots of Gudalur Taluk employ the Hill tribals belonging to Paniyas and Kattunyakans as labourers to work in their paddy field. Those who are employed for paddy cultivation are fed and clothed by them in addition to wages given in kind. The tribals who are employed for cultivation are at liberty to go anywhere else if they are not pleased with their masters. Whether really the persons (who have made some contract) can go and work with other landlords so easily is doubtful, but without having any detailed survey nothing can be concluded.

12.15 In Uttar Pradesh, the practice of bonded labour Begar is an offence under Section 386 of the I.P.C. Some surveys however have revealed the existence of bonded labour, locally known as Mat in the Dehradun district. Under the Mat system when a Kolta is under debt, he starts working as a Mat to his moneylenders simply in lieu of interest till he repays the principal amount. The system in other forms namely as Khundit-Mandit and Sanjayat, is also prevalent among Koltas of the area. Next to the practice of bonded labour a novel practice of 'pressurised labour' is found existing to a large extent in the eastern districts of the State. In Unnao district there is a system of Begar which is called Lag-Bangh.

12.16 In Lakshadweep, a system of bonded labour called Nadapu was prevalent under which tenants were required to give a type of compulsory service to their landlords. The system has, however, now been legally abolished under Section

85 of the Laccadives, Minicoy and Amindivi Islands Land Revenue and Tenancy Regulation, 1965 enforced in 1968. The Union Territory Administration have informed that forced or bonded labour is not being practised in the Territory at present.

12.17 A study was made by the Tribal Research Centre, Directorate of Harijan and Social welfare, Uttar Pradesh in the Jaunsar-Bawar area of Dehradun district in the year 1971-72. Some of the main findings are as follows :

- (i) The Koltas and Bajgis were found victims of the evil of indebtedness.
- (ii) Being economically poor and backward most of the families belonging to Scheduled Castes had difficulty to maintain their living and for meeting their basic needs they were compelled to borrow money from the local moneylenders (belonging to Khasa community) at the compound interest of 25% per annum.
- (iii) According to the local custom in Jaunsar-Bawar area, borrowers (Koltas) do not have to pay the principal and they have to work on the land belonging to Khasas in lieu of the interest at the rate of 5 days per month against the loan of Rs. 100/-. In case the principal amount is more than Rs. 600/- then the bonded labourer has to work throughout the month for the creditor. The Koltas are mostly agricultural labourers who work on their own fields as well as those of their landlords. However, in the land records they are shown as Khidmati (Service man).
- (iv) Out of 20 families surveyed in 4 villages all were found indebted and were traditionally serving their moneylenders. The amount of debt varied from Rs. 200/- to Rs. 1500/-.
- (v) According to the existing system the borrowers have to work with the moneylenders in lieu of the interest and the principal amount of loan remains unpaid. The

simple, honest and illiterate people think that repayment of debts is their sacred duty. The money-lenders provide them with loan without any surety or security since they know that the debtors in any case will try to repay their debts and will have to work to avoid payment of interest and in that process they will be serving them in future.

12.18 From the above discussions, it would be seen that the system of bonded labour or forced labour in some form or the other is still in existence in some States and Union Territories. Although some States and Union Territories have denied its existence, there is every reason to believe that the evil practice is still prevalent. Few State Governments who had denied the existence of the system earlier confirmed the prevalence of the system when questions were raised in Parliament. In a few cases, when some studies highlighted the prevalence of such a system in a specific area, the State Governments confirmed the same.

12.19 It is suggested that the following steps should be undertaken by the State Governments/Union Territories Administrations for ameliorating the conditions of the bonded labourers :

- (1) Intensive studies should be made of the practice of bonded labour wherever found and in such backward areas where there is probability of its prevalence.
- (2) Scaling down of old debts and payment to the creditor of whatever amount is arrived at through this process by either co-operative society or a Government Department in respect of those bonded tribals who have been in bondage for a specified period should be made. For this purpose, suitable provision should be made in the Backward Classes Sector.
- (3) Prosecution of the moneylenders who are carrying on the business of money-lending without the permission of the competent authority.

- (4) Enforcement of the Minimum Wages Act and a vigorous propaganda for payment of wages in cash to the labourers engaged by the landlords for working on their land.
- (5) Allotment of cultivable lands to as many bonded labourers as possible together with agricultural inputs for bringing the land under cultivation.
- (6) Appointment of suitable staff to guide the bonded labourers for assertion of their rights for getting payment of wages in cash and settlement of old debts under the provisions of existing law.
- (7) Reputed non-official agencies should be entrusted with the scheme for improvement of economic conditions of bonded labourers.

APPENDIX—II

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 24th October, 1975/Kartika 2, 1897 (Saka)

THE BONDED LABOUR SYSTEM (ABOLITION) ORDINANCE, 1975

NO. 17 OF 1975

Promulgated by the President in the Twenty-sixth
Year of the Republic of India.

An Ordinance to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people, and for matters connected therewith or incidental thereto.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

CHAPTER I

PRELIMINARY

1. (1) This Ordinance may be called the Bonded Labour System (Abolition) Ordinance, 1975.
- Short title, extent and commencement. (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Ordinance, unless the context otherwise requires,—

Definitions. (a) “advance” means an advance, whether in cash or in kind, or partly in cash or partly in kind, made by one person (hereinafter referred to as the creditor) to another person (hereinafter referred to as the debtor) ;

(b) “agreement” means an agreement (whether written or oral, or partly written and partly oral) between a debtor and creditor, and includes an agreement providing for forced labour, the existence of which is presumed under any social custom prevailing in the concerned locality.

Explanation.—The existence of an agreement between the debtor and creditor is ordinarily presumed, under the social custom, in relation to the following forms of forced labour, namely :—

Adiyamar, Baramasia, Basahya, Bethu, Bhagela, Cherumar, Garru-Galu, Hali, Hari, Harwai, Holya, Jana, Jeetha, Kamiya, Khundit-Mundit, Kuthia, Lakhari, Munjhi, Mat, Munish system, Nit-Majoor, Paleru, Padiyal, Pannayilal, Sagri, Sanji, Sanjawat, Sewak, Sewakia, Seri, Vetti ;

(c) “ascendant” or “descendant”, in relation to a person belonging to a matriarchal society, means the person who corresponds to such expression in accordance with the law of succession in force in such society ;

(d) “bonded debt” means an advance obtained, or presumed to have been obtained, by a bonded labourer under, or in pursuance of, the bonded labour system ;

(e) “bonded labour” means any labour or service rendered under the bonded labour system ;

(f) “bonded labourer” means a labourer who incurs, or has, or is presumed to have, incurred, a bonded debt ;

(g) “bonded labour system” means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that,—

(i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, due on such advance, or

(ii) in pursuance of any customary or social obligation, or

(iii) in pursuance of an obligation developing on him by succession, or

(iv) for any economic consideration received by him or by any of his lineal ascendants or descendants, or

(v) by reason of his birth in any particular caste or community,

he would—

(1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the credit, for a specified period or for an unspecified period, either without wages or for nominal wages, or

(2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or

(3) forfeit the right to move freely throughout the territory of India, or

(4) forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him,

and includes the system of forced, or partly forced, labour under which a surety for a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that in the event of the failure of the debtor to repay the debt, he would render the bonded labour on behalf of the debtor ;

(h) “family”, in relation to a person, includes the ascendant and descendant of such person ;

(i) “nominal wages”, in relation to any labour, means a wage which is less than the minimum wages fixed by the Government, in relation to the same or similar labour, under any law for the time being in force, and where no such minimum wage has been fixed in relation to any form of labour, the wages that are normally paid, for the same or similar labour, to the labourers working in the same locality ;

(j) “prescribed” means prescribed by rules made under this Ordinance.

3. The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance, or in any instrument having effect by virtue of any enactment other than this Ordinance.

Ordinance to have overriding effect.

CHAPTER II

ABOLITION OF BONDED LABOUR SYSTEM

4. (1) On the commencement of this Ordinance, the bonded labour system shall stand abolished and every bonded labourer shall, on such commencement, stand freed and discharged from any obligation to render any bonded labour.

Abolition of bonded labour system.

(2) After the commencement of this Ordinance, no person shall—

(a) make any advance under, or in pursuance of, the bonded labour system, or

(b) compel any person to render any bonded labour or other form of forced labour.

5. On the commencement of this Ordinance, any custom or tradition or any contract, agreement or other Agreement, custom, etc., to instrument (whether entered into or executed be void. before or after the commencement of this Ordinance), by virtue of which any person, or any member of the family or dependant of such person, is required to do any work or render any service as a bonded labourer, shall be void and inoperative.

CHAPTER III

EXTINGUISHMENT OF LIABILITY TO REPAY BONDED DEBT

6. (1) On the commencement of this Ordinance, every obligation of a bonded labourer to repay any bonded debt, or such part of any bonded debt as remains unsatisfied immediately before such commencement, shall be deemed to have been extinguished.

(2) After the commencement of this Ordinance, no suit or other proceeding shall lie in any civil court or before any other authority for the recovery of any bonded debt or any part thereof.

(3) Every decree or order for the recovery of bonded debt, passed before the commencement of this Ordinance and not fully satisfied before such commencement, shall be deemed, on such commencement, to have been fully satisfied.

(4) Every attachment made before the commencement of this Ordinance, for the recovery of any bonded debt, shall, on such commencement, stand vacated ; and, where, in pursuance of such attachment, any movable property of the bonded labourer was seized and removed from his custody and kept in the custody of any court or other authority pending sale thereof, such movable property shall be restored, as soon as may be practicable after such commencement, to the possession of the bonded labourer.

(5) Where, before the commencement of this Ordinance, possession of any property belonging to a bonded labourer or a member of his family or other dependant was forcibly taken over by any creditor for the recovery of any bonded debt, such property shall be restored, as soon as may be practicable after such commencement, to the possession of the person from whom it was seized.

(6) If restoration of the possession of any property referred to in sub-section (4) or sub-section (5) is not made within thirty days from the commencement of this Ordinance, the aggrieved person may, within such time as may be prescribed, apply to the prescribed authority for the restoration of the possession of such property and the prescribed authority may, after giving the creditor a reasonable opportunity of being heard, direct the creditor to restore to the applicant the possession of the concerned property within such time as may be specified in the order.

(7) An order made by any prescribed authority, under sub-section (6), shall be deemed to be an order made by a civil court and may be executed by the court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction the creditor voluntarily resides or carries on business or personally works for gain.

(8) For the avoidance of doubts, it is hereby declared that, where any attached property was sold before the commencement of this Ordinance, in execution of a decree or order for

the recovery of a bonded debt, such sale shall not be affected by any provision of this Ordinance :

Provided that the bonded labourer, or an agent authorised by him in this behalf, may, at any time within five years from such commencement, apply to have the sale set aside on his depositing in court, for payment to the decree-holder, the amount specified in the proclamation of sale, for the recovery of which the sale was ordered, less any amount, as well as mesne profits, which may, since the date of such proclamation of sale, have been received by the decree-holder.

(9) Where any suit or proceeding, for the enforcement of any obligation under the bonded labour system, including a suit or proceeding for the recovery of any advance made to a bonded labourer, is pending at the commencement of this Ordinance, such suit or other proceeding shall, on such commencement, stand dismissed.

(10) On the commencement of this Ordinance, every bonded labourer who has been detained in civil prison, whether before or after judgment, shall be released from detention forthwith.

7. (1) All property vested in a bonded labourer which was, immediately before the commencement of this Ordinance under any mortgage, charge, lien or other incumbrances in connection with any bonded debt shall, in so far as it is relatable to the bonded debt, stand freed and discharged from such mortgage, charge, lien or other incumbrances, and where any such property was, immediately before the commencement of this Ordinance, in the possession of the mortgagee or the holder of the charge, lien or incumbrance, such property shall (except where it was subject to any other charge), on such commencement, be restored to the possession of the bonded labourer.

(2) If any delay is made in restoring any property, referred to in sub-section (1), to the possession of the bonded labourer,

such labourer shall be entitled, on and from the date of such commencement, to recover from the mortgagee or holder of the lien, charge or incumbrance, such mesne profits as may be determined by the civil court within the local limits of whose jurisdiction such property is situated.

8. (1) No person who has been freed and discharged under this Ordinance from any obligation to render any bonded labour, shall be evicted from any homestead or other residential premises which he was occupying immediately before the commencement of this Ordinance as part of the consideration for the bonded labour.

Freed bonded labourer not to be evicted from homestead, etc.

(2) If, after the commencement of this Ordinance, any such person is evicted by the creditor from any homestead or other residential premises, referred to in sub-section (1), the Executive Magistrate in charge of the Sub-Division within which such homestead or residential premises is situated shall, as early as practicable, restore the bonded labourer, to the possession of such homestead or other residential premises.

9. (1) No creditor shall accept any payment against any bonded debt which has been extinguished or deemed to have been extinguished or fully satisfied by virtue of the provisions of this Ordinance.

Creditor not to accept payment against extinguished debt.

(2) Whoever contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three years and also with fine.

(3) The court, convicting any person under sub-section (2) may, in addition to the penalties which may be imposed under that sub-section, direct the person to deposit, in court, the amount accepted in contravention of the provisions of sub-section (1), within such period as may be specified in the order for being refunded to the bonded labourer.

CHAPTER IV

IMPLEMENTING AUTHOR TIES

10. The State Government may confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of this Ordinance are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer so specified.

Authorities who may be specified for implementing the provisions of this Ordinance.

11. The District Magistrate authorised by the State Government under section 10 and the officer specified by the District Magistrate under that section shall, as far as practicable, try to promote the welfare of the freed bonded labourer by securing and protecting the economic interests of such bonded labourer so that he may not have any occasion or reason to contract any further bonded debt.

Duty of District Magistrate and other officers to ensure credit.

12. It shall be the duty of every District Magistrate and every officer specified by him under section 10 to inquire whether, after the commencement of this Ordinance, any bonded labour system or any other form of forced labour is being enforced by, or on behalf of, any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to eradicate the enforcement of such forced labour.

Duty of District Magistrate and officers authorised by him.

CHAPTER V

VIGILANCE COMMITTEES

13. (1) Every State Government shall, by notification in the Official Gazette, constitute such number of Vigilance Committees in each district and each Sub-Division as it may think fit.

(2) Each Vigilance Committee, constituted for a district, shall consist of the following members, namely :—

(a) the District Magistrate, or a person nominated by him, who shall be the Chairman ;

(b) three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the district, to be nominated by the District Magistrate ;

(c) two social workers, resident in the district, to be nominated by the District Magistrate ;

(d) not more than three persons to represent the official or non-official agencies in the district connected with rural development, to be nominated by the State Government ;

(e) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate.

(3) Each Vigilance Committee, constituted for a Sub-Division, shall consist of the following members, namely :—

(a) the Sub-Divisional Magistrate, or a person nominated by him, who shall be the Chairman ;

(b) three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the Sub-Division, to be nominated by the Sub-Divisional Magistrate ;

(c) two social workers, resident in the Sub-Division, to be nominated by the Sub-Divisional Magistrate ;

(d) not more than three persons to represent the official or non-official agencies in the Sub-Division connected with rural development to be nominated by the District Magistrate ;

(e) one person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate ;

(f) one officer specified under section 10 and functioning in the Sub-Division.

(4) Each Vigilance Committee shall regulate its own procedure and secretarial assistance, as may be necessary, shall be provided by—

(a) the District Magistrate, in the case of a Vigilance Committee constituted for the district ;

(b) the Sub-Divisional Magistrate, in the case of a Vigilance Committee constituted for the Sub-Division.

(5) No proceeding of a Vigilance Committee shall be invalid merely by reason of any defect in the constitution, or in the proceedings, of the Vigilance Committee.

14. (1) The functions of each Vigilance Committee shall be,—

Functions of
Vigilance Commi-
tees. (a) to advise the District Magistrate or any officer authorised by him as to the efforts made, and action taken, to ensure that the provisions of this Ordinance or of any rule made thereunder are properly implemented ;

(b) to provide for the economic and social rehabilitation of the freed bonded labourers ;

(c) to co-ordinate the functions of rural banks and co-operative societies with a view to canalising adequate credit to the freed bonded labourer ;

(d) to keep an eye on the number of offences of which cognizance has been taken under this Ordinance ;

(e) to make a survey as to whether there is any offence of which cognizance ought to be taken under this Ordinance ;

(f) to defend any suit instituted against a freed bonded labourer or a member of his family or any other person dependent on him for the recovery of the whole or part of any bonded debt or any other debt which is claimed by such person to be bonded debt.

(2) A Vigilance Committee may authorise one of its members to defend a suit against a freed bonded labourer and the member so authorised shall be deemed, for the purpose of such suit, to be the authorised agent of the freed bonded labourer.

15. Whenever any debt is claimed by a bonded labourer, or a Vigilance Committee, to be a bonded debt, the burden of proof that such debt is not a bonded debt shall lie on the creditor.

CHAPTER VI

OFFENCES AND PROCEDURE FOR TRIAL

16. Whoever, after the commencement of this Ordinance compels any person to render any bonded labour shall be punishable with imprisonment for a term which may extend to three years and also with fine which to two thousand rupees.

17. Whoever advances, after the commencement of this Ordinance, any bonded debt shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees.

18. Whoever enforces, after the commencement of this Ordinance, any custom, tradition, contract, agreement or other

instrument, by virtue of which any person or any member of the family of such person or any dependant of such person is required to render any service under the bonded labour system, shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees ; and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day for which the bonded labour was extracted from him.

19. Whoever, being required by this Ordinance to restore any property to the possession of any bonded labourer, omits or fails to do so, within a period of thirty days from the commencement of this Ordinance, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both ; and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day, during which possession of the property was not restored to him.

20. Whoever abets any offence punishable under this Ordinance shall, whether or not the offence abetted it committed, be punishable with the same punishment as is provided for the offence which has been abetted.

Explanation.—For the purpose of this Ordinance, ‘abetment’ has the meaning assigned to it in the Indian Penal Code.

21. (1) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class or of the second class for the trial of offences under this Ordinance ; and, on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of

*Criminal Procedure, 1973, to be a Judicial Magistrate of the first class, or of the second class, as the case may be.

(2) An offence under this Ordinance may be tried summarily by a Magistrate.

22. Every offence under this Ordinance shall be cognizable
Cognizance of and bailable.
Offences.

23. (1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the offence was committed, was in charge of, and
Offences by was responsible to, the company for the
companies. conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals : and

(b) “director”, in relation to a firm, means a partner in the firm.

CHAPTER VII

MISCELLANEOUS

24. No suit, prosecution or other legal proceeding shall lie against any State Government or any officer of the State Government or any member of the Vigilance Committee for anything which is in good faith done or intended to be done under this Ordinance.

Protection of
action taken in
good faith.

25. No civil court shall have jurisdiction in respect of any matter to which any provision of this Ordinance applies and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Ordinance.

Jurisdiction of
civil courts
barred.

26. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Ordinance.

Power to make
rules.

(2) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the authority to which application for the restoration of possession of property referred to in sub-section (4), or sub-section (5), of section 6 is to be submitted ;

(b) the time within which application for restoration of possession of property is to be made to the prescribed authority ;

(c) steps to be taken by Vigilance Committees to ensure the implementation of the provisions of this Ordinance ;

(d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

GLOSSARY & NOTES

Adi Karnataka—literally original inhabitants of Karnataka.

Adim Jati Sewak Sangha—tribal welfare association.

Ashtami—Krishna's birthday festival which takes place on 8th day of lunar fortnight in the month of Bhadrapada (*Bhadou*).

Badai—carpenter.

Baishakhi—a festival held in the full moon day in the month of *Vaishakh*.

Bajgi—the position of this caste is after that of the Brahmins and Rajputs. Bajgis carry invitation letters to the relatives of Brahmans and Rajputs. They do the work of barbers and tailors. They also play on musical instruments during ceremonial occasions.

Bandok Mazdoor—bonded labour.

Banjar land—[Sanskrit *Bandhya*] barren land or unculturable land.

Banya—Businessman.

Barai—carpenter.

Barat—marriage procession by the bridegroom's party to the bride's village.

Begar See *vet Begar*

'*Bharat Ma*'—Mother India.

Bhoj—community feast on the occasion of marriage of a son or daughter ; on return from a pilgrimage ; birth of a child or death of some family member etc.

Chamar—village tanner or currier. The caste is found throughout upper India.

Chchoot or *Chhoot* or *Choot*—Divorce money paid by the husband to the previous husband of his wife.

—pulses.

—washerwoman.

be, pre-ment worn by menfolk.

Devadasi—temple prostitute.

Dekchi—round metal pot for cooking food.

Desh—native land.

Desi—indigenous.

Dewali—festival of lamps held on the last day of the dark fortnight of *Kartick*.

Dola—palanquin for the married girl in which she is taken to her husband's village.

Dushera—literally, that which takes away the consequences of ten sins. A festival held on the 10th bright half of of *Aswin* (*Kuar* = September-October) to commemorate the victory of Rama over Ravana. Another festival of *Dushera* takes place on the 10th bright half of *Jeth*, the birthday of *Ganga*. Merchants make up their books on that day.

Ganth-Khulai—literally the ceremony of untying the purse of the moneylender. In reality this is a levy imposed on the borrower by the moneylender while advancing money. *Ganth-Khulai* amount is deducted from the money advanced to the borrower.

Gondhli—a kind of inferior grain consumed mainly by rural poor.

Gram Sevak—village social worker.

Gunda—hoodlum.

Halwai—Sweetmeat Seller.

“Hum to Zamindar nahin hain”—I am not a landowner.

Jaisā-desh Waisā-bhesh—literally means, as the country so the dress.

Kacha—temporary.

Kanungo—literally, an expounder of the law, but applied specially to village and district revenue officers, who under the former Governments (i.e., under the pre East India Company's rule) recorded all circumstances within their sphere which concerned landed property and the realisation of the revenue ; keeping registers of the value of tenure, extent, and transfers of lands, assisting in the

measurement and survey of lands ; reporting deaths and successions of revenue papers ; and explaining, where required, local practices and public regulations. They were paid by rent-free lands, and various allowances and perquisites.

Karamchari—a clerk.

Khat—consists of several villages.

Khurti—a kind of coarse grain.

Kolta—According to *Dastur-ul-Amal* (1849) and *Wajib-ul-Arza* (1874) compiled by the British authorities it was accepted that land belonged to British Indian Government and the Rajas. Koltas had no right to land. There were four classes of Koltas—(1) *Khundit-Mundit* who got shaved when any member of the Zamindars family died ; (2) *Mat*—they were semi-slaves due to heavy debt ; (3) *Sanjayat* is the Kolta of the village or the *Khunt*. He had to maintain the statistics of births and deaths ; (4) *Netodauli*—they had to bring under cultivation barren or virgin land and had the right to cultivate them.

Kurta—shirt.

Kusum—name of an Indian flora.

Lohar—blacksmith.

Lungi—a loin-cloth.

Malwa—a region around Indore in western Madhya Pradesh.

Madrasi—one who hails from Madras.

Maghmela—The tenth Hindu lunar—solar month (January-February) when *melas* (Fairs) are held on the occasion of holy bathing festival in different places. *Maghmela* held at the confluence of the Ganga-Jamuna is most famous.

Mahajan—moneylender.

Mahua—fruit of tree named after *Mahua*.

Mangni—engagement with a view to matrimonial relationship.

Mat—semi-slaves due to heavy debt.

Mukhia—leader.

Nag-Devta—serpent-god.

'*Naitor*' or *Navtor*—to break new land.

Namaste—greetings.

Naths Sunars—goldsmith.

Nari Nikean—hostel for women rescued from brothels.

Palki—palanquin for the bridegroom.

Palas—name of an Indian flora.

Panchayat—A council of five (or now usually more) persons, assembled as a jury or court of arbitrators, or as a committee to decide on matters affecting a village community or body.

Pativrata—a woman devoted to her husband.

Patti—conglomeration of villages (administrative unit, lowest).

Patwari—petty village officer who collects revenue.

Pesha—profession.

Parmukh—chief.

Pradhan or *Pardhan*—Every village had a *Pradhan* who acted as the *Lumbardar* or *Mukhia* in collecting the revenue of lower units. There were *Thokdars* above the *Pradhan*.

Pujuri—a priest.

Rishwat Ka zamana hai—days of bribery.

Riyasat—princely state.

Roti—handmade bread.

Sahukar—moneylender.

Salwar—garment worn by women.

Sardar or *Sadr. Sayana*—A Pargana is divided into many *khats* which are administrative and revenue units. Every *khat* consists of several villages and each village has a *Sayana*. The *Sayana* of the *khat* is called *Sardar Sayana* i.e., chief *Sayana*.

Sarpanch—chief spokesman.

Sattu—gram.

Taccavi loan—loan advanced by Govt. to a peasant on security to be repaid in small instalments.

Tehsil—an area of an administrative district under a *Tehsildar*.

Tehsildar—village officer who collects revenue and decides small revenue matters of the tenants.

Thali—plate made of metal.

Tulsidas—(16th-17th century) author of the Ramayana in *Awadhi* (Hindi) language.

Vet Begar—A compound of *vet* or *veth* (Sanskrit *Visti*) and Persian *Begar* (Forced labour). Wellington (Despatches, V. I., p. 244, 1837) writes : “The bygarry system is not bearable : it must be abolished entirely.”

Woh to abhi bachchi hai—she is still a baby.

Zila Parishad—local self government at district level.

ABBREVIATIONS USED

B. C.—Backward classes

B. C. O.—Backward classes officer

H. Y. V.—High yield variety

S. C.—Scheduled Caste

S. T.—Scheduled Tribe

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